Houdon statue of Washington in the United States Military Academy at West Point and United States Naval Academy at Annapolis; to the Committee on the Library.

By Mr. RAKER: Petition of the Tobacco Association of Southern California, protesting against increased taxes on cigars; to the Committee on Ways and Means.

By Mr. REILLY of Connecticut: Petitions of the Italian societies of New Haven, Conn., urging passage of bill prohibiting the export of foodstuffs during the European war; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS of Nevada: A resolution adopted at the Forty-seventh Annual Encampment of the Department of California and Nevada, Grand Army of the Republic, held at San Diego, Cal., May 5 to 8, 1914, protesting against a change in the American flag; to the Committee on the Judiciary.

By Mr. TAVENNER: Petitions relating to Senate joint resolution 144 and House joint resolution 282, signed by 301 citizens of the United States, principally of Monmouth, Ill.; to the Committee on Naval Affairs.

SENATE.

TUESDAY, *August 25, 1914.*

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

Almighty God, our heavenly Father, amid the cares and responsibilities of to-day we need "that wisdom which is from above, that is first pure, then peaceable, gentle, and easy to be entreated, full of mercy and of good fruits, without partiality, and without hypocrisy." In the consideration of all our plans may we be strengthened and directed by Thy divine influences. May these men of the Senate be inspired by those lofty ideals which make for righteousness and that emanate from Thy throne. We ask it in Christ's name. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Saturday, August 22, 1914, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

GENERAL EDUCATION BOARD AND CARNEGIE FOUNDATION.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Navy, stating, in response to a resolution of the 5th instant, that the organizations known as the General Education Board of the Rockefeller Foundation and the Carnegie Foundation have no relation to the work of the Navy Department; there are no employees of the department whose salaries are paid in whole or in part with funds contributed by the Rockefeller Foundation or the Carnegie Foundation, and there are no administrative officers of the department connected in any way with the work of the General Education Board of the Rockefeller Foundation or the Carnegie Foundation. The communication will lie on the table and be printed in the RECORD.

The communication is as follows:

NAVY DEPARTMENT,
Washington, August 24, 1914.

Mr. JAMES M. BAKER,
Secretary United States Senate.

SIR: Replying to resolution of the Senate dated August 5, 1914, requesting and directing that the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney General, the Postmaster General, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Labor furnish to the Senate certain information in regard to relation, if any, of the organizations known as the General Education Board of the Rockefeller Foundation and the Carnegie Foundation to the work of their respective departments, etc., I have to inform you that it is found, after investigation, that the organizations known as the General Education Board of the Rockefeller Foundation and the Carnegie Foundation have no relation to the work of the Navy Department; there are no employees of the department whose salaries are paid in whole or in part with funds contributed by the Rockefeller Foundation or the Carnegie Foundation, and there are no administrative officers of the department connected in any way with the work of the General Education Board of the Rockefeller Foundation or the Carnegie Foundation.

Sincerely, yours,

JOSEPHUS DANIELS,
Secretary of the Navy.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 16673) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution authorizing the printing of 1,100 copies of the Journal of the Forty-eighth National Encampment of the Grand Army of the Republic for the year 1914, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Labor Council of Greater New York, which will be printed in the RECORD and referred to the Committee on Commerce.

The communication was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

ANTIWAR PROCLAMATION.

The Labor Council of Greater New York, representing organized labor, calls upon the Government of this country to act most vigorously against a continuation of the mad carnage which now soaks Europe with blood and increases the sufferings of the people all over the world.

To an already existing industrial depression further depression has been added. Curtailment of industries goes on more than before. Wages go down. Prices of life's necessities soar skyward. For vast numbers of working people life is becoming literally impossible. The so-called "life" of the workers is degenerating into a mean scramble for a miserable existence.

We refuse to tolerate these chaotic conditions any longer. We demand that the Government of this country, for the protection of its people and for the sake of humanity, reason, and civilization, employ all means at its disposal to end the ignominious tragedy which by a small group of irresponsible tyrants is being perpetrated on humanity.

We demand particularly that the Government rigidly enforce neutrality of the United States of America, and that the Government at once proceed to check the eagerness and effrontery with which our industrial and commercial masters watch for an opportunity to ship provisions and possibly other contraband of war to the warring nations, thus in their lust for profits, in their insatiable and criminal greed, preparing themselves to violate international law. We warn the Government of this country that we shall have no patience with these vultures, which belong to the same brand of fiends as those who instigated the European war. We demand that no commodity whatever shall directly nor indirectly be exported from this country to the warring nations until they cease hostilities and submit to arbitration. And we consider such a policy, when applied in conjunction with other measures, to be a formidable means at the disposal of the Government of this country to bring about peace.

THE LABOR COUNCIL OF GREATER NEW YORK,
MATTHEW FUERRTY, *President.*
FRED FISENER, *Financial Secretary.*
ANTON NEBEL, *Treasurer.*

In session August 14, 1914.

Mr. THORNTON presented a petition of sundry citizens of Elton, Jennings, and Cloverdale, in the State of Louisiana, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. JONES. I have here two telegrams, and I desire to read one of them. It is as follows:

SEATTLE, WASH., *August 21, 1914.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

In the name of the business organizations and commercial interests of Seattle we urge you to earnestly and determinedly oppose the Clayton bill in its present form. Its definitions are not helpful, but hurtful; their ambiguity and uncertainty make it more difficult to determine rightful business conduct. The provisions making it lawful for labor organizations to do that which is wrong and criminal when done by any other citizen alone or in combination is unjust and denial of equal protection of the law and subversive of social order. The provision for trial by jury in contempt cases reduces our Federal courts to mere boards of arbitration and will bring chaos into a vast field of business litigation. Moreover, irrespective of its merit, our business facing a most critical situation in finance and industry produced by foreign war ought not now to be asked to further adjust itself to experimental and revolutionary regulation, nor do we believe that our legislators or the country are in a frame of mind to give this important subject the careful and exhaustive consideration which it deserves. From careful observation, we believe this to express the business opinion of our section without respect to party.

SEATTLE CHAMBER OF COMMERCE,
J. E. CHILBERG, *President.*
THOMAS BURKE,
Chairman National Affairs Committee.

I have also another telegram, from Hon. J. M. Frink, president of the Washington Iron Works, of substantially the same character, but closing as follows:

Do something to encourage the small manufacturer. We are not all trusts. Do not legislate us to death.

Mr. BURTON. I have a telegram from the board of directors of the Builders' Exchange of Cleveland, Ohio, which I send to the desk and ask to have read.

The Secretary read as follows:

CLEVELAND, OHIO, *August 20, 1914.*

Senator T. E. BURTON,
Washington, D. C.:

At a meeting of the board of directors of the Builders' Exchange, representing 400 firms and individuals in the building industry in Cleveland, the secretary was instructed to express to you the earnest protest of the board against the adoption of the Clayton bill and the hope that you will use your best efforts to have action deferred, particularly under present disturbed business conditions of the country.

EDWARD A. ROBERTS, *Secretary.*

Mr. SHEPPARD presented a petition of the Woman's Missionary Auxiliary of the Methodist Episcopal Church of Bellevue, Tex., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. BRISTOW presented a petition of sundry citizens of Delphos, Kans., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented a petition of the Grand Circle of Massachusetts, Companions of the Forest of America, of Boston, Mass., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. McLEAN presented a memorial of the Manufacturers' Association of Bridgeport, Conn., remonstrating against an extension of the parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. KENYON presented petitions of sundry citizens of Iowa, praying for the enactment of legislation to grant recognition to Dr. Cook in his polar efforts, which were referred to the Committee on the Library.

Mr. GALLINGER (for Mr. OLIVER) presented a memorial of the Central Labor Union of Easton, Pa., remonstrating against the printing of corner cards on envelopes by contract, which was referred to the Committee on Post Offices and Post Roads.

He also (for Mr. OLIVER) presented a petition of Local Union No. 2396, United Mine Workers of America, of Fayette City, Pa., and a petition of Sable Lodge, No. 72, Pennsylvania Amalgamated Association of Iron, Steel, and Tin Workers of North America, of Pittsburgh, Pa., praying for the passage of the so-called Clayton antitrust bill, which were ordered to lie on the table.

Mr. DILLINGHAM presented petitions of sundry citizens of Craftsbury, Essex, Concord, and Alburg, all in the State of Vermont, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SWANSON presented petitions of sundry citizens of Beaver Dam, Clover, Runnymede, Elberon, Houston, Disputanta, Chatham Hill, Marion, Lowry, Sycamore, Henry, Rural Retreat, and Franklin, all in the State of Virginia, praying for the enactment of legislation to provide for a system of personal rural credit, which were referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 6011) to reinstate Frederick J. Birkett as third lieutenant of the United States Revenue-Cutter Service, reported it with an amendment and submitted a report (No. 768) thereon.

Mr. MYERS, from the Committee on Indian Affairs, to which was referred the bill (S. 5484) modifying and amending the act providing for the disposal of the surplus unallotted lands within the Blackfeet Indian Reservation, Mont., reported it with amendments and submitted a report (No. 769) thereon.

Mr. FLETCHER, from the Committee on Commerce, to which was referred Senate resolution 443, requesting the Secretary of Commerce to furnish the Senate with certain information relative to trade with South America, reported it without amendment.

Mr. KERN, from the Committee on Privileges and Elections, to which was referred the bill (H. R. 8428) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, reported it with an amendment and submitted a report (No. 770) thereon.

STATUE OF GEORGE WASHINGTON GLICK.

Mr. CHILTON. From the Committee on Printing I report back favorably with an amendment Senate concurrent resolution No. 30, submitted by the Senator from Kansas [Mr. THOMPSON] on July 23, authorizing the printing of 16,500 copies of the proceedings in Congress upon the acceptance of the statue of the late George Washington Glick, accompanied by an engraving of said statue, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

The amendment of the Committee on Printing was, in line 8, after the words "distribution by the," to strike out "governor of Kansas; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statue to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing," and insert "Senators and Representatives in Congress from the State of Kansas. The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure a suitable plate of said statue to accompany the proceedings," so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume the proceedings in Congress upon the acceptance of the statue of the late George Washington Glick 16,500 copies, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for use and distribution by the Senators and Representatives in Congress from the State of Kansas. The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure a suitable plate of said statue to accompany the proceedings.

Mr. SMOOT. Mr. President, I ask that the last clause of the amendment to the resolution be again read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure a suitable plate of said statue to accompany the proceedings.

Mr. SMOOT. I will simply say to the Senator from West Virginia that in the past the Joint Committee on Printing have always been able to secure such plates from the Director of the Bureau of Engraving and Printing, but it may be that we may be able to procure the plate in this case through the Public Printer.

Mr. CHILTON. Oh, yes; that can be done.

The VICE PRESIDENT. The question is on the amendment reported by the committee.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LEA of Tennessee:

A bill (S. 6383) for erecting a suitable memorial to Admiral David Glasgow Farragut; to the Committee on the Library.

A bill (S. 6384) to authorize the acceptance of certain lands by the United States for a military park reservation, and for other purposes; to the Committee on Military Affairs.

By Mr. BRISTOW:

A bill (S. 6385) granting an increase of pension to Henry B. Stone (with accompanying papers); and

A bill (S. 6386) granting an increase of pension to William T. Davidson (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 6387) granting an increase of pension to William W. Graham; and

A bill (S. 6388) granting an increase of pension to Sylvester Chaplin; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 6389) granting an increase of pension to Mary A. Clark (with accompanying papers); and

A bill (S. 6390) granting an increase of pension to John B. Doolittle (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 6391) granting a pension to Amy D. Witherell (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 6392) for the relief of registers and receivers of the United States land offices in the State of Kansas; to the Committee on Public Lands.

DONATION OF CONDEMNED CANNON.

Mr. HOLLIS submitted an amendment intended to be proposed by him to the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which was ordered to lie on the table and be printed.

ZINC AND LEAD IMPORTS.

Mr. THOMAS. Mr. President, I have been furnished with a statement from the Department of Commerce, showing the imports of zinc and manufactures thereof and lead and manufactures thereof for the two years ending respectively the 30th of June, 1913, and the 30th of June, 1914.

I have also a statement from that department, showing the foreign and domestic exports of zinc and lead for the same period, which I desire to have printed in the RECORD.

The matter referred to follows.

Imports of zinc, and manufactures of, into the United States, by months, during the fiscal years ending June 30, 1913 and 1914.

Period.	Zinc, and manufactures of.							
	Ore and calamine.			In blocks or pigs and old.		Zinc dust.		All other manufactures of (dollars).
	Gross weight, (tons of 2,240 pounds).	Zinc contents.						
		Pounds.	Dollars.	Pounds.	Dollars.	Pounds.	Dollars.	
1912.								
July	1,586	1,254,803	26,280	46,285	2,737	355,680	19,389	6,921
August	4,491	3,299,632	65,486	1,936,530	112,665	433,355	23,397	4,641
September	5,484	5,632,530	99,296	2,293,234	120,946	370,998	21,729	70,281
October	5,874	4,707,367	86,170	4,001,048	226,516	403,468	23,096	1,766
November	12,705	6,823,247	131,574	3,401,535	199,040	407,651	23,422	2,780
December	3,942	3,301,794	55,965	4,397,013	251,413	563,180	32,782	4,157
1913.								
January	6,904	8,700,403	139,824	10,603,788	586,469	352,715	20,163	4,744
February	3,327	2,889,515	54,740	391,100	22,640	474,873	27,815	768
March	3,811	3,678,065	97,419	15,751	733	232,430	13,201	7,802
April	1,622	1,786,218	48,744	16,635	652	376,575	22,555	7,035
May	1,506	825,838	15,133	16,355	896	380,354	20,776	4,866
June	682	528,424	10,449	22,925	981	302,367	16,039	5,477
Total, fiscal year ending June 30, 1913	51,934	43,427,836	831,080	27,142,199	1,525,688	4,653,646	264,364	121,238
1913.								
July	682	650,362	11,247	8,288	366	462,956	25,210	5,570
August	867	746,329	13,701	289,351	14,455	223,020	11,666	2,111
September	1,346	1,075,468	25,842	348,202	16,113	633,461	26,200	19,331
October	1,394	1,187,936	20,309	261,592	8,688	383,821	18,218	2,373
November	2,542	2,012,823	37,796	137,433	5,665	225,162	10,331	1,816
December	3,367	2,913,169	43,478	87,847	3,048	334,736	15,411	363
1914.								
January	949	770,414	12,195	297,339	11,331	332,435	15,600	405
February	1,488	1,268,559	15,831	24,368	962	830,269	37,813	411
March	918	657,942	10,461	178,546	6,789	125,545	5,667	5,210
April	1,752	1,250,812	19,921	416,297	19,745	503,165	23,081	6,577
May	839	551,067	11,626	25,854	887	405,551	18,154	4,023
June	2,136	1,399,921	29,072	69,972	2,432	347,543	15,659	2,794
Total, fiscal year ending June 30, 1914	18,280	14,484,802	251,479	2,145,089	90,481	4,807,664	223,010	50,981

Imports of lead, and manufactures of, into the United States, by months, during the fiscal years ending June 30, 1913 and 1914.

Period.	Lead, and manufactures of.									
	Lead ore.			Lead in other ore.		Bullion and base bullion.			Pigs, bars, and old.		All other manufactures of (dollars).
	Gross weight (tons of 2,240 pounds).	Lead contents.				Gross weight (pounds).	Lead contents.				
		Pounds.	Dollars.	Lead contents (pounds).	Dollars.		Pounds.	Dollars.	Pounds.	Dollars.	
1912.											
July	4,000	1,145,142	21,680	37,604	1,031	7,429,964	7,290,041	165,524	227,582	8,642	377
August	1,228	652,088	13,609	180,362	5,788	12,821,517	12,604,252	277,419	55,694	1,595	1,634
September	222	108,490	1,849	103,859	3,359	10,790,049	10,591,498	236,566	11,068	700	1,121
October	2,482	783,869	13,381	549,342	15,599	3,970,154	3,887,572	124,951	2,562	110	110
November	9,566	3,148,476	66,118	445,288	15,567	19,575,529	19,066,039	486,091	4,783	225	480
December	909	346,148	5,516	292,584	10,282	4,147,859	4,063,123	105,325	3,480	230	41
1913.											
January	2,757	524,060	10,272	322,679	11,245	20,725,949	20,310,830	474,458	710	34	621
February	8,447	5,411,148	112,600	183,416	6,300	9,246,795	9,022,206	215,086	170	6	953
March	6,856	1,075,175	22,217	156,354	4,835	14,370,162	13,798,571	320,833	1,911	58	585
April	175	58,400	876	227,769	6,093	10,687,667	10,359,291	235,943	500	21	670
May	2,153	583,109	11,952	461,266	12,350	8,164,069	7,778,347	160,476	28,975	955	455
June	10,094	3,846,900	80,714	148,452	3,972	5,308,991	5,198,743	127,389	268	18	423
Total, fiscal year ending June 30, 1913	48,889	17,683,005	360,684	3,108,975	96,421	127,238,705	123,970,513	2,940,061	337,703	12,594	7,476
1913.											
July	253	402,485	8,050	178,094	5,753	6,064,036	5,940,743	158,441	24,418	1,366	3,018
August	189	247,441	7,132	646,646	17,219	7,827,768	7,657,533	282,224	16,248	970	121
September	126	196,700	3,934	203,986	5,626	1,874,412	1,833,980	56,184	2,239	77	948
October	8,958	2,972,157	103,720	.....	.....	542,824	528,481	16,114	1,954	55	1,384
November	5,554	831,165	24,514	.....	.....	7,854,295	7,347,490	242,475	5,606	118	4,100
December	5,033	1,105,911	37,140	.....	.....	4,591,202	4,551,439	176,002	.....	.....	3,863
1914.											
January	6,430	2,425,128	82,676	.....	.....	168,230	162,890	5,003	2,968	96	3,626
February	4,817	1,780,856	62,410	.....	.....	65,687	61,570	2,153	34,587	850	7,303
March	3,977	1,373,341	42,730	.....	.....	4,235,487	4,155,841	143,996	79,897	2,765	13,037
April	6,308	2,732,497	94,851	.....	.....	2,089,893	2,046,038	68,656	439	13	7,437
May	5,777	3,480,073	105,544	.....	.....	2,183,752	2,139,377	74,421	5,630	217	8,568
June	8,385	4,450,730	138,759	.....	.....	647,693	634,136	21,898	62,705	2,475	7,444
Total, fiscal year ending June 30, 1914	55,807	22,098,484	711,460	(1)	(1)	37,795,279	37,059,518	1,247,567	236,691	9,002	60,849

[1] Not separately stated since September, 1913.

Foreign exports of lead, and manufactures of, from the United States, by months, during the fiscal years ending June 30, 1913 and 1914.

Period.	Lead, and manufactures of.								
	Lead ore.			Bullion and base bullion.			Pigs, bars, and old.		All other manufactures of (dollars).
	Gross weight (tons of 2,240 pounds).	Lead contents.		Gross weight (pounds).	Lead contents.				
		Pounds.	Dollars.		Pounds.	Dollars.	Pounds.	Dollars.	
1912.									
July	1,124	829,037	13,713	9,688,980	9,401,750	207,390			
August	1,565	814,527	14,753	6,686,209	6,363,148	141,085			
September	330	369,711	5,546	10,021,620	9,718,581	205,969			164
October	125	139,779	2,096	8,808,624	8,533,569	177,848			
November	3,160	1,494,166	31,378	8,769,639	8,497,589	198,505			316
December	6,183	839,202	17,624	7,887,667	7,665,594	163,892			294
1913.									
January	2,347	305,881	6,424	5,810,770	5,632,827	120,864			79
February	2,126	1,142,759	23,998	6,792,689	6,660,735	140,654			355
March	3,184	1,650,648	34,664	10,203,804	9,962,320	210,554			38
April	5,661	1,565,074	31,523	8,012,984	7,768,313	165,913	50,043	2,372	75
May				11,247,532	10,965,156	233,071	2,089	90	315
June	1,281	714,294	12,983	13,259,310	12,860,171	285,491			313
Total, fiscal year ending June 30, 1913	27,086	9,865,078	194,702	107,189,828	103,969,754	2,251,236	52,135	2,462	1,949
1913.									
July	11,644	2,649,689	55,643	8,334,653	8,122,842	170,580	1,502	67	1,084
August	2,115	469,433	9,975	4,722,416	4,598,178	183,923			
September	2,298	900,323	28,724	1,021,468	990,322	37,516			
October	2,056	1,263,976	31,768	7,007,933	6,827,992	180,260			
November	398	187,106	5,744	1,136,964	1,111,388	37,386	56,069	2,242	1,056
December	2,029	872,531	30,539	1,864,518	1,813,643	61,326	1,800	80	107
1914.									
January	50	8,675	294	2,795,448	2,717,909	94,370			1,515
February	582	309,082	12,363	23,870	22,915	751			57
March				507,052	492,207	15,992			
April	5,398	2,894,949	104,954	4,560,491	4,430,737	143,032			233
May	3,493	1,866,167	64,195	3,055,450	2,974,622	103,433			
June	1,808	1,643,652	63,399	315,618	305,960	10,708			
Total, fiscal year ending June 30, 1914	31,871	13,065,583	407,598	35,345,881	34,408,718	1,049,277	59,371	2,389	4,057

Foreign exports of zinc, and manufactures of, from the United States, by months, during the fiscal years ending June 30, 1913 and 1914.

Period.	Zinc, and manufactures of.							
	Ore and calamine.			In blocks or pigs and old.		Zinc dust.		All other manufactures of (dollars).
	Gross weight (tons of 2,240 pounds).	Zinc contents.						
		Pounds.	Dollars.	Pounds.	Dollars.	Pounds.	Dollars.	
1912.								
July		664,000	16,323			24,971	1,405	
August		60,000	1,536			2,427	145	159
September								58
October		36,000	543					28,338
November						1,102	62	
December		40,320	149	55,115	3,250			
1913.								
January						14,000	800	139
February		264,320	3,842	96,299	5,042	44,806	2,667	60
March		4,009,606	78,972	740,569	40,397	5,156	304	2
April		3,423,773	67,532			12,136	676	45
May		1,500,800	29,915	112,000	6,102	1,521	93	169
June		708,793	14,113	67,051	4,005	10,694	624	5,765
Total, fiscal year ending June 30, 1913		10,707,612	213,725	1,070,974	58,796	116,813	6,776	34,726
1913.								
July		316,829	7,337					31
August				56,028	3,063	66,138	3,577	
September		40,000	1,001			2,205	125	20
October		224,000	4,692	1,015	48			
November		44,800	1,558	167,869	8,262	29,482	1,317	
December		280,000	5,475					
1914.								
January				55,118	2,634	6,570	395	53
February						13,042	656	
March								
April						11,280	570	
May		224,000	4,917			3,420	154	
June		55,000	992					
Total, fiscal year ending June 30, 1914		1,184,629	25,972	280,028	14,007	132,137	6,794	104

Domestic exports of lead and zinc, and manufactures of, from the United States, by months, during the fiscal years ending June 30, 1913 and 1914.

Period.	Lead, manufactures of (dollars).	Zinc, and manufactures of.						
		Ore.		Dross.		Pigs, bars, plates, and sheets.		All other manufactures of (dollars).
		Tons (2,240 pounds).	Dollars.	Pounds.	Dollars.	Pounds.	Dollars.	
1912.								
July	63,989	1,526	60,300	39,223	1,485	642,668	48,580	6,504
August	59,660	1,513	60,000	.....	.....	494,986	32,628	14,201
September	39,606	2,536	100,208	.....	.....	184,972	13,315	8,342
October	57,902	.....	.....	.....	.....	18,102	1,720	13,387
November	55,136	.....	.....	3,000	147	178,677	13,718	12,929
December	42,866	3,032	119,790	3,650	182	71,226	5,813	14,398
1913.								
January	44,205	1,530	60,450	48,690	1,217	340,541	27,306	12,135
February	37,208	1,506	60,280	.....	.....	43,498	3,872	5,753
March	38,924	1,417	56,700	.....	.....	301,901	22,814	15,877
April	52,103	.....	.....	8,006	240	2,721,109	169,097	11,247
May	58,613	2,823	112,960	.....	.....	7,502,635	449,914	18,584
June	41,909	1,425	57,099	.....	.....	2,319,713	135,367	6,498
Total, fiscal year 1913	580,321	17,308	687,680	102,569	3,271	14,820,033	924,234	139,655
1913.								
July	75,918	1,431	57,275	.....	.....	704,846	51,720	12,432
August	75,745	1,423	56,922	.....	.....	1,062,996	61,784	9,953
September	62,739	1,418	56,724	.....	.....	113,149	7,210	10,509
October	93,807	1,425	57,000	.....	.....	170,732	11,762	13,544
November	84,924	1,417	56,680	.....	.....	87,427	5,372	13,605
December	72,040	.....	.....	.....	.....	136,772	9,359	16,022
1914.								
January	51,620	.....	.....	80,014	4,584	479,703	25,827	12,759
February	55,801	1,405	49,204	.....	.....	35,550	3,233	16,383
March	[1]167,639	1,478	54,340	492,465	24,500	292,094	18,471	10,709
April	[2]103,787	1,430	57,200	.....	.....	120,149	7,939	9,099
May	[3]240,349	1,436	57,440	.....	.....	214,201	13,613	28,347
June	[4]1,225,838	1,431	57,000	.....	.....	425,210	31,569	4,972
Total, fiscal year ending June 30, 1914	2,610,207	14,294	559,785	572,477	29,084	8,832,829	247,864	158,344

NOTE.—Figures of "Lead, manufactures of," for March, April, May, and June, 1914, include exportations of domestic pig lead, as follows: [1] $78,721; [2] $36,328; [3] $64,270; [4] $1,332,931; of which last-mentioned amount $1,211,931 represented the total exportations of domestic pig lead at the port of New York, viz: in March, $360,725; April, $361,223; May, $84,243; June, $375,471.

Mr. THOMAS. Mr. President, the report showing imports of these two metals demonstrates very conclusively that while the prices of both have declined during the period covered by them, this fact has been caused by other than tariff conditions.

The contention is made by protectionists, and correctly so, that where a reduction of duties results in a reduction of the market value of the article to which the duty relates, the fact will find expression in increased imports of that article. If the importations do not increase, the fall in such value must be attributed to other causes.

Mr. President, the imports of both these metals and of their manufactured products in the aggregate have fallen off very materially during the period ending on the 30th of June, 1914. Thus the imports of zinc ore and calamine for the previous year aggregated 51,934 tons, and for the second only 18,280 tons, being a decrease of 64.8 per cent.

The values of these ores for the two periods are, respectively, $831,080 and $251,479, showing a decrease of $579,601, or 69.8 per cent.

The imports of zinc in pig bars and old zinc during the first year amounted to 27,142,199 pounds, and in the last period to 2,145,089 pounds, showing a decrease of 24,997,110 pounds, or 92.1 per cent, with values, respectively, of $1,525,688 and $90,481, the decrease being $1,435,207, or 94 per cent.

There is a slight increase in the last over the first year of zinc-dust imports, amounting to 154,018 pounds, or three-tenths of 1 per cent, the figures being 4,653,646 pounds for 1913, and 4,807,664 pounds for 1914.

Of all other manufactures of zinc there were imported during the first period $121,238 in value, and during the last period $50,981, being a decrease of $70,259, or 58 per cent.

The total value of all zinc imports during the year ending June 30, 1913, was $2,742,370, and during the year ending June 30, 1914, was $615,651, a decrease in value of $2,126,419, or 77.6 per cent.

The figures concerning the importation of lead ores and manufactures are equally emphatic in their revelations upon this subject, although some specific increases appear. Thus for the year ending June 30, 1913, there were imported 48,889 long tons of lead ore, and for the next year 55,807 long tons, being an increase of 6,928 tons, or 14 per cent.

The discrepancy in values of these imports is notable and would indicate a decided rise in price. The lead value of the ores imported for the first period was $360,684, and for the last period $711,460, an increase of $350,596, or 97 per cent.

Of lead in other ores there was a very considerable decrease, but the returns are not satisfactory as to that item, for the reason that since the new tariff law went into operation the lead contents in ores carrying other metals is classified in the first item mentioned, if I am correctly informed. Of imports of lead bullion and base bullion for the year ending June 30, 1913, the amount was 123,070,513 pounds net, and for the next year only 37,059,518 pounds net, a decrease of 86,010,995 pounds, or 70 per cent. The total value of the imports for the first year was $2,940,061, and for the second $1,247,567, a decrease of $1,692,494, or 57.5 per cent.

Of pigs, bars, and old lead there were imported during the first period 337,703 pounds, and in the second period 236,691 pounds, being a decrease of 101,012 pounds, or 30 per cent, of the values, respectively, of $12,594 and $9,002, or a decrease of 28.5 per cent.

Of imports of all other manufactures of lead for the first year the values were $7,476, and for the second year $60,849, an increase of $53,373, or 814 per cent. The aggregate of the item being extremely small, however, the increase is not material as affecting the general result, which I now state:

The total value of all the imports of lead from June 30, 1912, to June 30, 1913, was $3,417,336, and for the year ending June 30, 1914, $2,057,470, or a decrease of $1,359,760, or 60.2 per cent.

It is evident beyond all controversy, therefore, Mr. President, that the market value of these two metals has been influenced entirely by the law of supply and demand and has not been in any wise affected by the reduction in the amount of the duties which prior to October, 1913, were imposed upon them.

It would, indeed, be amazing if these values were affected in the slightest degree by the Underwood-Simmons law in the face of a steady and considerable fall instead of a rise in the imports of the commodities in question.

Mr. SMOOT. Mr. President, just a word in this connection. I can not agree at all with the Senator from Colorado. The basic reason for the decline in the price and importation of lead

into this country is that there has not been the demand in this country for lead, because all the industries of the country were affected directly and indirectly by the tariff. The reduction in rates affected not only those industries on which the rate of duty was reduced, but affected every industry in the United States. If Mexico had been in a normal condition and producing the amount of lead that she usually produces in times of peace, the price of lead in the United States under those conditions would have been lower than it has been.

It is true that the demand has affected the price of lead in the United States, but the reason for that is because the industries of the country, paralyzed as they have been through the operation of the last tariff law, have thrown a great many people out of employment and caused a less demand for the article, as shown by the figures the Senator himself has presented—a great reduction in importation and also a reduction in price because of the lack of a demand.

Mr. THOMAS. Mr. President, the decline in the market value of lead and zinc began long before the election of 1912. The conditions to which the Senator from Utah refers were not coincident with but preceded the change in revenue legislation by a long period of time. The market for these metals, of course, was responding to market conditions of a general character, they being dependent not so much upon any threatened or actual change in our revenue system as upon the general condition of business, not only in this country but throughout the world.

Our contention has been, Mr. President, that these depressions are and for several years have been world-wide in their influence and operation; that they are the result of general prevailing causes, which can not be confined to any one country and can not be predicated upon any one particular cause.

Of course I concede that there has not been a great deal of mining activity in Mexico during the troubles in that country, but the closing of Mexican lead and zinc mines should have stimulated both prices and production with us, if the Senator's logic is sound. It is remarkable that every prediction made of the operation and the effect of the reduction of tariff duties upon commodities in this country, which is not verified by the logic of events, is always explained or excused by the assertion that conditions are not normal or that some unforeseen circumstance has arisen to postpone or defeat them. The Mexican revolution was as active in 1913, when the new tariff bill was enacted and dismal prophecies of disaster were forecasted, as it has been since that time.

PURCHASE OF FOREIGN-BUILT SHIPS.

Mr. GALLINGER. Mr. President, I have an interesting interview with the senior Senator from Massachusetts [Mr. LODGE], bearing date London, August 23, in reference to the attitude our Government should maintain in relation to the complications with foreign Governments. I ask permission that it be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

LODGE WARNS OF DANGER IN BUYING SHIPS—INTERNATIONAL COMPLICATIONS ARE LIKELY, DECLARES SENIOR SENATOR FROM MASSACHUSETTS.

LONDON, *August 23.*

"No other such calamity as this war has ever befallen humanity or civilization," said Senator HENRY CABOT LODGE, of Massachusetts, in an interview in this city. 'The mind recoils even from an attempt to picture the sacrifice of life and the misery and suffering which those who began this war have brought on mankind.

"My interest is in regard to my own country and her attitude in this great conflict of nations. Fortunately, the United States is outside the widespread circle of the war. The United States is at peace with all nations and I trust will remain so. From such a convulsion as this we have already suffered severely, financially and by the loss of some of our best markets, and commerce is bound to suffer still more. This can not be helped.

UNITED STATES MUST REMAIN NEUTRAL.

"What we should remember above all is that we have a national duty to perform. That duty is the observance of strict neutrality as between the belligerents, with all of whom we are at peace. But strict neutrality is not enough. It must be, also, honest neutrality, as honest as it is rigid. Neutrality, while preserving its name, can often be so managed as to benefit one belligerent and injure another. It is possible to relax the strictness of neutrality at one point and tighten it at another so as to help one belligereat and injure another.

"This is no time for neutrality of this kind on the part of the United States. Our neutrality now, as I have said, must not only be strict, but rigidly honest and fair. Honor and interest alike demand it.

CRITICIZES WILSON POLICY.

"President Wilson's administration, in its eagerness to maintain neutrality, has made one new departure from practices which have hitherto been unbroken. Heretofore Governments have not undertaken to interfere with private persons or institutions who desired to lend money to belligerents. If we had been unable to borrow money or obtain supplies from abroad while we were cut off from all supplies from the South during the Civil War, the boundaries of the country of which Mr. Wilson is President might possibly be far different to-day.

"But the administration, in its earnestness to maintain strict neutrality during the present war, has thought fit to make this new departure by preventing as far as it can private individuals from lending money to belligerents. This makes it difficult to understand what theory of neutrality they favor, if the dispatches are correct in regard to the proposed purchase by the United States Government of certain German ships now lying useless in New York Harbor. They regard as impairing strict neutrality the permission to private persons to lend $100,000,000 to France to be spent in the purchase of supplies in the United States, while at the same time they appear to think it is consonant with honest neutrality to give $25,000,000 of the purchase money outright to Germany for ships which Germany can not use.

WOULD HAMPER EXPORTS.

"This proposed purchase of German ships by the American Government to be run as Government vessels is calculated to hamper and check exports from the United States. We are suffering severely from the injury to our trade and commerce by the loss of our best markets, consequent on the war, but there are certain articles that Europe must have even now, and these exports should be encouraged in every possible way.

"Half a dozen ships owned by the Government can carry only an insignificant fraction of the exports we desire to make, but they will check all private enterprise and prevent Americans from purchasing ships, as they would otherwise do in large numbers, because they will fear the Government competition. We need every possible outlet at this moment, and Government ships will simply check some of the most important channels and give us 1 ship where we might have 10.

INTERNATIONAL COMPLICATIONS.

"Far more grave, however, than the interference with trade will be the international complications which these Government-owned ships are certain to produce. Are they to be regarded and treated as merchantmen, or are they public vessels of the United States on the same footing as our ships of war? It seems impossible that they should be treated as merchantmen under the rules of international law. If one of them should be stopped when classed as a merchantman, it would be at the worst only a diplomatic incident, for which reparation could easily be made; but if a ship of the United States in commerce and yet retaining the character of a public vessel should be stopped for any reason, that would be an act of war. If one of the German cruisers which are now said to be roaming over the Atlantic should hold up one of those Government-owned vessels because she believed this vessel was carrying contraband of war, the arrest would constitute an act of war against the United States.

DANGEROUS EXPERIMENT.

"If England or France believed that one of these Government-owned vessels was carrying supplies—say, oil—to Germany by way of Holland, and should stop that ship as they would a merchantman and turn her back, it would be an act of war. In neither of these supposed cases, if the vessel were a simple merchantman, would the act of Germany, England, or France be an act of war.

"In purchasing these vessels we should begin with a breach of strict neutrality by giving $25,000,000 to Germany. We should hamper and check the outward flow of our exports, which are of immense importance at this time. Worst of all, we should have half a dozen vessels afloat which might at any moment involve us in war with any or all of the belligerents. It is an experiment so dangerous that I earnestly hope that the report that the administration favors it is untrue, and that it will not be attempted.

"I repeat that our duty, honor, and interest alike demand at the present moment that we should maintain a neutrality toward all the belligerents which should be as honest as it is strict."

NATIONAL ENCAMPMENT, GRAND ARMY OF THE REPUBLIC.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 42) of the House, which was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,100 copies of the Journal of the Forty-eighth National Encampment of the Grand Army of the Republic for the year 1914, not to exceed $1,600 in cost.

HOUSE BILL REFERRED.

H. R. 16673. An act to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, was read twice by its title and referred to the Committee on Public Lands.

SALT LAKE AND OGDEN GATEWAYS.

The VICE PRESIDENT. Morning business is closed. The Chair lays before the Senate a resolution coming over from a preceding day, submitted by the Senator from Colorado [Mr. THOMAS], which will be stated.

The SECRETARY. A resolution (S. Res. 446) directing the Interstate Commerce Commission to inquire into the alleged closing of the Salt Lake and Ogden gateways on the Denver & Rio Grande Railway and other Gould lines.

Mr. THOMAS. I ask that the resolution may go over.

The VICE PRESIDENT. Does the Senator desire that the resolution shall go over without prejudice?

Mr. THOMAS. Without prejudice.

The VICE PRESIDENT. The resolution will go over without prejudice.

BLACK WARRIOR RIVER IMPROVEMENT.

Mr. BANKHEAD. I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 181) authorizing the Secretary of War to permit the contractor for building locks on Black Warrior River to proceed with the work without interruption to completion.

Mr. BURTON. Mr. President, before allowing unanimous consent for the consideration of the joint resolution I should like to know certain facts. In the first place, this lock and the dam connected with it, as I understand, are the last in the system?

Mr. BANKHEAD. They are.

Mr. BURTON. And there is no further lock or dam advocated in the locality above this?

Mr. BANKHEAD. There is not.

Mr. BURTON. An appropriation of $1,338,500 was made in 1913, which, it was supposed, would finish this work. I ask what is the reason that was not sufficient to finish it?

Mr. BANKHEAD. That appropriation was made to complete the improvement of the Warrior River, which included the locks on the Tombigbee as well and Lock 17 on the Warrior River; but as the work proceeded the engineers discovered that there was likely to be a defect in the foundation unless the excavation was made deeper, and an additional appropriation was necessary in order to provide for that condition. The engineers required the contractor to go down several feet deeper in order to secure a proper foundation for that great structure.

Mr. BURTON. Mr. President, I may say that this shows the lack of system and proper preparation in the making of our river and harbor appropriations. There ought to have been an estimate made based upon sufficient borings to ascertain just what the cost of this work would be. This present situation is incident to the system of making annual appropriations. If there had been a careful examination, and then, instead of making piecemeal appropriations, an appropriation and authorization of the amount required had been made, there would be no necessity for this joint resolution.

I consider this investment of some $10,000,000 in the canalization of these rivers as an experiment, very doubtful in its results; but at the same time it affords the best illustration to be found in the country of the desirability of improving rivers of minor size, because it brings the coal fields of northern Alabama into touch with the Gulf, where it has been necessary in the past to haul coal from a very considerable distance.

Before I give consent to the consideration of this joint resolution I want to say that there are a number of other instances in which there is equal emergency. I think the most urgent case of all is in the Hudson River. The Barge Canal is about to be completed at great expense by the State of New York, and there has been an implied understanding that the Government should finish its part of the work connecting the Barge Canal with Lake Erie and providing a channel through the Hudson River to New York contemporaneously with the completion of that canal by the State of New York. The traffic there, no doubt, will be infinitely greater than in the case of the Black Warrior River, and the improvement is of much greater importance. At the same time I am not sure that the contractor would be willing to make such an arrangement as this. A part of the work is done by the Government by hired labor.

Again, on the Ohio River there are several dams where it has been necessary to discharge the force because the work has been done by hired labor, and under the apportionment that is made there the amount does not seem to be sufficient to prosecute the work.

I am frank to say that I can not quite understand this—I call the attention of the Senate to one very peculiar fact: On the 30th of June last there was on hand to the credit of river and harbor improvements $45,000,000. The sundry civil appropriation bill passed in July appropriated approximately $7,000,000 more, making $52,000,000. The total amount expended for river and harbor improvements in the fiscal year ending June 3, 1912, was $33,000,000. In 1913 it was $38,000,000. So there was on hand at the expiration of the fiscal year of June 30, 1914, $14,000,000 more than the total amount expended in 1913, the last year for which we have the figures. The figures for 1914 will not be available until later.

It is true that this balance is not symmetrically divided. For instance, there is a balance of $700,000 on hand to the credit of the Ambrose Channel and New York Harbor, while the total amount that will probably be required for the present fiscal year would be but slightly in excess of $100,000. Thus we have this very singular situation: There is an agitation for the prompt passage of the river and harbor bill proceeding from all over the country, but nevertheless there is on hand in the Treasury subject to order for river and harbor improvements $14,000,000 more than was expended in the last year for which we have the figures. It seems to me this whole system should be overhauled.

Further, before consenting, I desire to have an assurance in regard to this measure. Everyone must recognize that it would be possible—and I desire to call the attention of the Senator from North Carolina [Mr. SIMMONS] to this, as well as the attention of the Senator from Alabama—to tack on amendments to this joint resolution. If a case of equal urgency were discovered, I do not think there would be objection; but it would be possible to put on a multitude of items, and possibly, as an amendment, the whole river and harbor bill. As I understand, the Senator from Alabama would oppose any such proposition if the joint resolution should come back from the other House in such a form?

Mr. BANKHEAD. I certainly would, Mr. President.

Mr. BURTON. I should like to ask the Senator from North Carolina what his attitude would be in regard to such a contingency?

Mr. SIMMONS. I do not know that I catch the Senator's question. I came into the Chamber just a moment ago.

Mr. BURTON. Suppose this joint resolution were passed and sent over to the House, and they should load it down with a multitude of amendments.

Mr. SIMMONS. I understand the Senator to suggest that it might be possible to offer as an amendment to the joint resolution now under discussion the river and harbor bill.

Mr. BURTON. The whole river and harbor bill; that is a possibility.

Mr. SIMMONS. There is no purpose of that sort, so far as I know.

Mr. BURTON. Would the Senator from North Carolina oppose such a proposition if the joint resolution came back from the House in such a form?

Mr. SIMMONS. I would undoubtedly do so.

Mr. BURTON. Then, Mr. President, I have no objection to the consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED ANTITRUST LEGISLATION.

Mr. CULBERSON. I move that the Senate resume the consideration of the unfinished business.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15657) to supplement existing laws against unlawful restraints of monopolies, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina [Mr. OVERMAN] to reconsider the votes by which sections 2 and 4 were stricken from the bill as in Committee of the Whole.

Mr. HOLLIS. Mr. President, on Friday last the junior Senator from Missouri [Mr. REED] made an important and interesting speech in favor of the motion to reconsider section 4 of the Clayton bill. He cited several cases from the Federal Reporter and one from the Supreme Court of the United States, Henry *v.* Dick Co. (224 U. S., 1), to support his proposition. His position was apparently this: That under this decision of the United States Supreme Court the owner of a patented article has the right to annex to its use such conditions as he wishes when he permits another to use it or to buy it; and the Senator was fearful that, taking advantage of that decision of the Supreme Court, the owner of a patented article might fix a condition that the article should not be used unless all other articles or machines used by the licensee or the purchaser should be leased or purchased of the owner of the patent, thus creating a monopoly that could not be prevented by the antitrust laws. This proposition might hit with special force the manufacturers of shoe machinery who are trying to compete with the United Shoe Machinery Co.

I have no doubt this matter was drawn to the attention of the Senator from Missouri by letters from manufacturers of shoes in his State and possibly from manufacturers of shoe machinery in his State, as I have had the same thing brought to my attention by manufacturers in my State.

I will read two letters from a manufacturer in my State, who states a very troublesome and very important situation. He says:

FARMINGTON SHOE MANUFACTURING CO.,
Dover, N. H., July 24, 1914.

Hon. HENRY F. HOLLIS,
United States Senate, Washington, D. C.

DEAR SIR: We see by the papers that the Clayton bill has been reported upon by the Committee on the Judiciary and that it will be taken up by the Senate in the course of the next few days.

In reading section 4 it would appear to cover exactly the point in the shoe-machinery situation we believe should be covered, if any antitrust legislation is passed. We refer to the monopolistic leases of the United Shoe Machinery Co., which will practically prohibit the shoe manufacturer from using any of the essential machines except those of the United Shoe Machinery Co.; in other words, all their essential machinery is tied together, directly or indirectly.

We are interested in this matter by reason of our having recently installed in our factory machines made by an independent concern, viz, the Universal Shoe Machinery Co., of St. Louis, Mo.

We were operating formerly a factory on one style shoe, manufactured solely on the bottoming machines of the United Shoe Machinery Co. Our business was steadily declining, wholly by reason of this particular process, the McKay shoe being displaced by Goodyear welts. We therefore were forced to make other plans. By the addition of these machines from the Universal Shoe Machinery Co. we were able to make a new style shoe that immediately became very popular, and our outlook never was better for a successful factory proposition.

The United Shoe Machinery Co. were well informed about our efforts several months ago, but within the past few weeks they have first deemed it necessary to notify us of their position, and their position practically prohibits us making this shoe.

The machines we are using are only auxiliary to their machines, and we have not decreased but increased the royalties or profits paid to them since the installation of these machines; but, notwithstanding this, they insist that we must cease using the independent machines or return part of their machines, which means that we must abandon this process, as we can not get a full line of essential machines anywhere in this country except from the United Shoe Machinery Co. In other words, we must do business with them or not at all.

We quote from their letter, dated July 17, and signed by their secretary, as follows:

"We feel, however, that we should be obliged to exercise the option reserved to us under the metallic department leases which you hold to terminate such leases and take back our metallic department machines, for we neither desire our machines to stand idle in your factory nor can we afford to permit them to be retained under the manufacturing conditions which you have indicated to us."

If this is not an attempt at a direct restraint of trade, we are not well informed on the subject. The position of the United Shoe Machinery Co., in a few words, is that, no matter how much our success depends upon our being allowed to use independent machines, nor how much saving we could make, we are not allowed to use this machinery without their consent or without breaking their leases; and what is true of us is also true of practically every other shoe manufacturer of this country, and we think that such a condition should appeal very directly to you as a representative of a party pledged to give freedom to business in this country.

Very truly, yours,

E. O. TEAGUE,
General Manager.

—

FARMINGTON SHOE MANUFACTURING CO.,
Dover, N. H., July 30, 1914.

Hon. HENRY F. HOLLIS,
United States Senate, Washington, D. C.

DEAR SIR: Replying to your letter of July 28, you most certainly have our permission to use our letter of July 24 during the debate on the Clayton bill. Furthermore, we should be pleased to furnish you with a photographic copy of the original letter, if necessary, so that there may be no question as to its authenticity.

The United Shoe Machinery Co. in a more recent letter have notified us that we have 30 days to decide on what action we will take. It may seem very easy, according to the United Shoe Machinery's statements, for a manufacturer to use an independent machine by complying with their rules. As a simple illustration we might state our position, as follows: By reason of using one machine from an outside machinery company which will cost perhaps $300 the United Shoe Machinery Co. propose to enforce a condition that would oblige us to pay approximately $25,000 for machines we have had from them and used for years in addition to the regular royalty, such as we have previously paid, without any initial payment. In other words, it makes the cost of the independent machine over $25,000. Naturally most any manufacturer would hesitate to put in an independent machine under these conditions.

There is another condition in connection with their business that should be prevented by legislation; that is, retaining patents in the Patent Office for years for no other purpose apparently than to prevent patents being issued to other inventors on the same subject.

We wish to work with you in every way possible to further this proposed legislation, as it certainly means a great hardship to us as comparatively small manufacturers if the present conditions are allowed to stand.

We wish to add also that we were entirely ignorant regarding violation of our leases when we first commenced making this shoe, and we used our first machine nearly two years before being notified of the conditions.

We wish to call particular attention to that part of our letter of July 24 in which we quote from their letter of July 17. While on their machines in other departments they have made us a price that figures, as we have stated, to about $25,000, in the metallic department they give us no option whatever. The only thing we can do is to comply with their terms, which they quote in their letter of July 17.

Any further information we should be very glad to give you or, if necessary, we should be very glad to send a representative to Washington with full particulars.

Thanking you for your interest in the matter, we remain,

Yours, very truly,

FARMINGTON SHOE MFG. CO.,
E. O. TEAGUE, *General Manager.*

I would be the last to oppose the reconsideration of the vote whereby section 4 was stricken out if I believed that it would have the result which the Senator from Missouri fears. The shoe-manufacturing industry is most important in both Missouri and New Hampshire. The latest available figures are for 1904. In that year Massachusetts lead in the manufacture of boots and shoes and slippers, the number produced being 118,009,926 pairs; New York was next with 28,538,451 pairs; and then came Missouri and New Hampshire with twenty-five million and odd pairs each. The total production in the United States is 285,017,181 pairs. So the Senator from Missouri may well be fearful that if section 4 is left out of this bill, and that omission has the result which he prophesies, much injury may be done. I do not, however, share his fears.

A week or two ago the Senator from Missouri rather sarcastically suggested that I would better consult my legal adviser on this matter. Of course that was intended to state that a better lawyer than I should be consulted. I am always glad to take that advice; a lawyer who has practiced 20 years would be foolish not to get the advice of a strong lawyer, if he was available, but in this particular case I am reminded by one of the cases cited by my friend from Missouri that I was myself engaged in that same litigation and that I have been engaged as counsel in a few restraint-of-trade cases.

In establishing his proposition he refers to the case of Tubular Rivet & Stud Co. against O'Brien, reported in Ninety-third Federal Reporter, page 200. I quote from the remarks of the Senator from Missouri in regard to that case:

> That was a patented riveting machine, and it was tied to unpatented rivets. That is to say, the man who bought the riveting machine was compelled to buy the unpatented rivets from the man who sold the patented machine. Thus he obtained a monopoly, or at least a partial monopoly, not only upon his machine, but was able to restrain trade in rivets.

I feel that a man who owns a piece of property of any kind, patented or unpatented, can sell it or lease it and annex such conditions to its use as he pleases. If a man breeds and sells racing horses, he may annex to the sale of one of those horses a condition that it shall not be raced until it is 3 years old, and that is right for the protection of his trade name. So in the mimeograph case, the owner of that patented machine, I feel, would have a right to say that only materials of a certain kind should be used in the machine, for the reason that if an inferior ink or a poor quality of paper were used the results obtained from the machine might be very bad, and thereby hurt the reputation of that particular machine. So in the Tubular Rivet & Stud Co. case, if an inferior kind of rivet were used, the material might be too hard and actually injure the machine and make it unworkable, or the rivets might come out, and that would hurt the sale of the machine.

In one of the Tubular Rivet & Stud Co. cases I was counsel. That case is found in One hundred and fifty-ninth Federal Reporter, page 824. That case was brought in the United States court and was argued in the United States circuit court of appeals at Boston, the junior Senator from Rhode Island [Mr. COLT] being one of the three judges who heard the argument.

I argued the case for the Exeter Boot & Shoe Co. My opponent was Mr. Louis D. Brandeis, of Boston, who is probably as able a trust lawyer as there is in the country; and I felt that I was fortunate to obtain the decision both from the jury and from the court of appeals.

In that case my client, the Exeter Boot & Shoe Co., had been getting its riveting machines for years from the Tubular Rivet & Stud Co. There arose a quarrel over a 25-cent item for freight; and the Tubular Rivet & Stud Co. finally wrote to my client that if he did not pay that 25 cents they would not furnish him any more goods. He went to the telephone and telephoned to Whitcher & Co., of Boston, and asked if they could furnish him—these were hooks attached to shoes—as good hooks as the Tubular Rivet & Stud Co. They said they could furnish better ones, and they would send along a large amount of hooks, with two machines for affixing them.

Now, my client made no complaint at all that he could not use hooks that he bought of other manufacturers in the Tubular Rivet & Stud Co. machines. He realized that they had a right to prescribe the conditions under which their patented machines should be used. But the result was this: The machines were not delivered by Whitcher & Co.; and my client found later that Whitcher & Co. and the Tubular Rivet & Stud Co. and a third company were in a pool under which they controlled the whole trade in New England, and my client was obliged to shut down his factory because he could not get the hooks and the machines until he had settled this 25-cent freight bill.

I brought suit first against Whitcher & Co. for breach of contract, and then against the Tubular Rivet & Stud Co. for interfering with his trade relations, and under the common law I was able to recover from both and collect; and it was no defense to the Tubular Rivet & Stud Co. for interfering in the trade relations of my client that it had a patented article and could annex to it any conditions that it chose.

If I believed that the conditions a patentee is allowed to annex to the use of his patented article would be permitted to go to the length of establishing a monopoly or a combination in restraint of trade, I should be in favor of restoring section 4. But there are two kinds of monopoly, side by side. The patent monopoly is given to the owner of the patent so that he may handle that particular article under the patent as he chooses; but the other kind of monopoly does not spring from the patent, but springs from a condition that arises when the owner of the patent, by combination, is able to monopolize any particular branch of trade.

The Bathtub Trust cases, which are cited under the name of the Standard Sanitary Manufacturing Co. against United

States, in Two hundred and twenty-sixth United States, at page 20, are a complete answer to the proposition that the owner of a patent may rely upon his patent to establish restraint of trade and a monopoly in a particular branch of the trade; and the case of Henry against Dick, in Two hundred and twenty-fourth United States, page 1, which was the basis of the Senator's argument last Friday, is very carefully distinguished in that case. I will read the first three headnotes in the Bathtub case:

A trade agreement under which manufacturers, who prior thereto were independent and competitive, combined and subjected themselves to certain rules and regulations, among others limiting output and sales of their product and quantity, vendees, and price, held in this case to be illegal under the Sherman Antitrust Act of July 2, 1890. (Montague v. Lowry, 193 U. S., 38.)

A trade agreement involving the right of all parties thereto to use a certain patent, which transcends what is necessary to protect the use of the patent or the monopoly thereof as conferred by law and controls the output and price of goods manufactured by all those using the patent, is illegal under the antitrust act of 1890. (Bement v. National Harrow Co., 186 U. S., 70, and Henry v. A. B. Dick Co., 224 U. S., 1, distinguished.)

While rights conferred by patents are definite and extensive, they do not give a universal license against positive prohibitions any more than any other rights do.

The attorney for the trust in this case was very quick to seize the Dick case and to found upon it an argument similar to the argument of the Senator from Missouri. He refers to it in his brief as follows, at page 23:

The provisions in the license agreements as to prices were intended to enable the licensees to make a reasonable profit, so that they would be able to maintain and improve the quality of the ware and pay the royalties reserved. The owner of a patent can protect his invention by making agreements controlling the product of the use of his invention and which admit that by the use of that invention the product is better than if made by any other known method of manufacturing the product.

And he cites as authority Henry against A. B. Dick Co., supra. In his argument, on page 25, he cites the same case and says:

They were, moreover, based upon patents which created a true monopoly, a grant from the sovereign—the Constitution—so that to hold that this monopoly was violative of the Sherman Act would be judicial legislation and an attack upon the whole patent system.

The opinion of the court very clearly distinguishes cases where an actual monopoly exists, such as the United Shoe Machinery Co. has, and cases where conditions are annexed to the use of a patented article. I quote from page 47 of the opinion:

In this statement certain things are prominent. Before the agreement the manufacturers of enameled ware were independent and competitive. By the agreements they were combined, subjected themselves to certain rules and regulations, among others not to sell their product to the jobbers except at a price fixed not by trade and competitive conditions but by the decision of the committee of six of their number, and zones of sales were created. And the jobbers were brought into the combination and made its subjection complete and its purpose successful. Unless they entered the combination they could obtain no enameled ware from any manufacturer who was in the combination, and the condition of entry was not to resell to plumbers except at the prices determined by the manufacturers. The trade was, therefore, practically controlled from producer to consumer, and the potency of the scheme was established by the cooperation of 85 per cent of the manufacturers, and their fidelity to it was secured not only by trade advantages but by what was practically a pecuniary penalty, not inaptly termed in the argument "cash bail." The royalty for each furnace was $5, 80 per cent of which was to be returned if the agreement was faithfully observed; it was to be "forfeited as a penalty" if the agreement was violated. And for faithful observance of their engagements the jobbers, too, were entitled to rebates from their purchases. It is testified that 90 per cent of the jobbers in number and more than 90 per cent in purchasing power joined the combination.

Then the court says (p. 48):

The agreements clearly, therefore, transcended what was necessary to protect the use of the patent or the monopoly which the law conferred upon it. They passed to the purpose and accomplished a restraint of trade condemned by the Sherman law. It had, therefore, a purpose and accomplished a result not shown in the Bement case. There was a contention in that case that the contract of the National Harrow Co. with Bement & Sons was part of a contract and combination with many other companies and constituted a violation of the Sherman law, but the fact was not established, and the case was treated as one between the particular parties, the one granting and the other receiving a right to use a patented article, with conditions suitable to protect such use and secure its benefits. And there is nothing in Henry v. A. B. Dick Co. (224 U. S., 1) which contravenes the views herein expressed.

The agreements in the case at bar combined the manufacturers and jobbers of enameled ware very much to the same purpose and results as the association of manufacturers and dealers in tiles combined them in Montague & Co. v. Lowry (193 U. S., 38), which combination was condemned by this court as offending the Sherman law. The added element of the patent in the case at bar can not confer immunity from a like condemnation for the reasons we have stated. And this we say without entering into the consideration of the distinction of rights for which the Government contends between a patented article and a patented tool used in the manufacture of an unpatented article. Rights conferred by patents are indeed very definite and extensive, but they do not give, any more than other rights, a universal license against positive prohibitions. The Sherman law is a limitation of rights, rights which may be pushed to evil consequences, and therefore restrained.

There are two other Federal cases which state this same view. The first is the case of United States against New Departure Manufacturing Co., Two hundred and fourth Federal Reporter, page 107. That is the case involving the coaster brake. I shall not read from the syllabus, but I shall read a paragraph from the opinion at page 113:

In the Bathtub Trust case (226 U. S., 20; 33 Sup. Ct., 9; 57 L. Ed., —), so called, a case recently decided by the Supreme Court of the United States, a situation somewhat similar to this in respect to quantity of output and license agreement was presented, and the court said:

"The trade was, therefore, practically controlled from producer to consumer, and the potency of the scheme was established by the cooperation of 85 per cent of the manufacturers. * * * The agreements therefore clearly transcended what was necessary to protect the use of the patent or the monopoly which the law conferred upon it. They passed to the purpose and accomplished a restraint of trade condemned by the Sherman law."

The Supreme Court then pointed out the distinction between that case and the case of Bement v. National Harrow Co. (186 U. S., 70; 22 Sup. Ct., 747; 46 L. Ed., 1058); but, nevertheless, the intimation in the opinion is clear that the monopoly secured to the patentee by the issuance of a patent can not be designedly used to form a combination or conspiracy between manufacturers and dealers to accomplish a restraint of trade such as the antitrust act prohibits. Upon this subject the Circuit Court of Appeals for the Third Circuit, in National Harrow Co. v. Hench et al. (83 Fed., 36; 27 C. C. A., 349; 39 L. R. A., 299), has aptly said:

"The fact that the property involved is covered by letters patent is issued as a justification; but we do not see how any importance can be attributed to this fact. Patents confer a monopoly as respects the property covered by them, but they confer no right upon the owners of several distinct patents to combine for the purpose of restraining competition and trade. Patented property does not differ in this respect from any other. The fact that only the patentee may possess himself of several patents, and thus increase his monopoly, affords no support for an argument in favor of a combination by several distinct owners of such property to restrain manufacture, control sales, and enhance prices. Such combinations are conspiracies against the public interests and abuses of patent privileges."

The language quoted was cited with approval by Judge Coxe in National Harrow Co. v. Hench et al. (C. C., 84 Fed., 226).

In Blount Manufacturing Co. v. Yale & Towne Manufacturing Co. (C. C., 166 Fed., 557), of the patentees' privilege of combining their patent rights, the court said:

"Where, however, each patentee continues to make his own goods under his own patents, and seeks to enhance his profits by agreement with creditors who make either patented or unpatented articles, then it seems to follow that the agreement of each to restrain his own trade can not be regarded merely as an incident to the assignment of patent rights. The patentee then restrains his own trade, not for the purpose of enhancing the value of the license which he grants, but for the purpose of enhancing the value of his trade by removing competition.

"So here, as claimed by the Government, the license agreements were resorted to as a subterfuge to aid in stifling competition in trade and commerce and to enhance the value of the respective businesses of the defendant and to create a monopoly in their productions. In Sanitary Manufacturing Co. against United States (the Bathtub Trust case) the Supreme Court clearly supports the view that patentees' rights are limited by the antitrust act, as the following excerpt from the opinion shows:

"Rights conferred by patents are, indeed, very definite and extensive, but they do not give any more than other rights a universal license against positive prohibitions. The Sherman law is a limitation of rights—rights which may be pushed to evil consequences, and therefore restrained."

Before I cite the last case I want to recall the attention of the Senate to the exact situation here. After weeks of argument we have passed a trade commission bill with very much more teeth in it than anyone supposed it would have when it started, and the power in the bill was added here in the Senate. It confers on the trade commission authority to determine the facts as to unfair competition, and whenever competition is unfair to set effective machinery in motion to prevent it. Now, those of us who believe that the phrase "unfair competition" means something and is inclusive, do not like to see the broad scope of that phrase weakened by an attempted definition in some other bill. Therefore it does not seem a symmetrical or proper way to treat the subject to single out one or two forms of unfair competition, thereby seeming to lay special stress upon them.

The third case that I am going to cite is a case that deals with a subject precisely such as was suggested by the Senator from Missouri, where the court says in so many terms that that is unfair competition, and therefore it is very clear that the court will treat it as unfair competition under the trade commission bill. I refer to one of the Cash Register cases, United States against Patterson, Two hundred and fifth Federal Reporter, page 292, and I will read the first headnote:

Both the patent laws and the Sherman Antitrust Act (act July 2, 1890, ch. 647, 26 Stat., 209, U. S. Comp. St. 1901, p. 3200) were enacted under constitutional authority, and they must be construed together, giving full force and effect to each, so far as that may be done. That a patentee, by putting his invention to use, has become entitled to a monopoly in its manufacture and sale, and that his competitors in interstate commerce therein are infringers of his patent, does not give him a right to resort to methods of unfair competition to force the competitors out of business; and such action, pursuant to a conspiracy or combination, is in restraint of interstate commerce, and in violation of the antitrust act.

This is a case that arose in the southern district of Ohio. On page 294 I quote the following:

This language of Judge Baker was cited by counsel for defendants in support of his argument that the restraint of trade contemplated by the act could only be with reference to a trade which in itself might rightfully be carried on; that there could be no restraint of a trade of which the patentee has a monopoly by law; that there can be no

conspiracy in restraint of such trade or illegal monopoly of it, when the one charged has a legal monopoly under the patent law. So far is the argument carried that counsel frankly claim in it that, no matter how illegal the acts charged were in themselves, not conceding their illegality at all, infringers had no right to engage in their infringing trade, and the patentee had the legal right to protect his monopoly, even with the strong arm. Counsel for the Government, not admitting infringement on the part of any of the competitors of the National Cash Register Co., and assuming, for the purpose of the argument, that they were infringers, argue that the question is not material to any issue in this case.

Defendants urge: That a patent is a property right; so it is. That it may be assigned; so it may be under the patent laws. That it descends to the heirs at law; the Supreme Court has so held. But counsel have cited no case—if there had been one, they would have found it—and the assertion, usually of doubtful wisdom, may in this connection be safely made that no decision will be found sanctioning acts of violence by a patentee in the protection of his patent right, acts of violence against the claimed infringing article, or the business of the infringers. And it may also be safely said that, at least until the patentee has established the validity of his patent and the fact of infringement, he will not be permitted by a court of equity, and at the suit of even one who may eventually be held to be an infringer, to engage in acts of unfair competition.

Citing authorities.

So here, again and again, we come across the phrase "unfair competition" as applied not only to acts in restraint of trade, but to acts in restraint of trade in connection with patents issued by the Government of the United States.

Proceeding with the opinion, on page 295:

The claim is made that the patentee, having a property right may protect his property by destroying the property of an infringer, on the same principle that he may cut off the limbs of his neighbor's trees projecting into his yard or cut off his neighbor's eaves projecting over his land, or may in some cases abate nuisances, etc.; but this claim involves a misconception of the nature of property in a patent, as will be shown. It is said that a patentee may destroy infringers' business by acts of unfair competition in self-defense, but even in criminal law the old rule was that one could defend on the ground of self-defense when he was driven to the wall, and only then.

And then, on pages 297 and 298, the Bathtub Trust and Creamery Package cases are cited, and the distinction I have already drawn is emphasized. The Senator from Montana [Mr. WALSH], with his usual force and clearness, pointed out this distinction on Friday. He did not have the cases at hand at the time, cases that fully uphold his position, but the Senator from Montana disagrees with me in believing that the owner of a patented article should not be allowed to annex to its use any condition he chooses so long as it does not monopolize the particular branch of trade. I can not see that the patent has anything to do with the condition. No matter what I make, I may annex such conditions as I please to its use, and I think that ought to be permitted.

The great importance of the Dick case, cited by the Senator from Missouri [Mr. REED], was not in the proposition, so well understood, that a patentee may annex such conditions as he chooses to the use of the patented article, but what the court emphasized in that case was this: That was a case not for a breach of contract, but a case for infringement of a patent, and the court held that where the contract annexed to the use of a patented article was violated it constituted what is known as a contributory infringement, and therefore the United States court had jurisdiction of the suit, no matter whether there was diversity of citizenship or not. That was a very important decision, because it drew to the Federal courts of the United States all contracts involving patented articles, and where the adversary parties were in the same State the one who claimed the infringement could go into the United States court because it was a patent matter and have his right decided in the United States court.

While I do not agree with the Senator from Montana that it is a wrongful thing or a harmful thing to allow conditions to be annexed to the use of a patented article, and I am not sure he would go quite as far as that, I do feel there is a situation existing in the United Shoe Machinery cases which is so acute and so important that if these men are asking for relief that will be speedy and effective I shall not oppose it, and I feel that the amendment which the Senator from Montana says he will introduce which will go right at the root of this difficulty and make a special offense of that behavior and bring it sharply and quickly to the attention of the Federal trade commission without any doubt of its authority to deal with that class of cases, should be supported.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Missouri?

Mr. HOLLIS. I do.

Mr. REED. The Senator says that he is in favor of passing an amendment similar to that which has been offered by the Senator from Montana, which will deal directly with the class of practices indulged in by the Shoe Machinery Trust and to bring it sharply to the attention of the trade commission. Are we to understand that he is not willing to have that right so guarded that those who are injured can go into court and protect themselves, or does he mean that they must all be relegated to the trade commission?

Mr. HOLLIS. I am very glad to have this opportunity to explain that point. The trade commission bill and the present bill leave every person who is damaged by unfair competition free to go to any court having jurisdiction and sue for damages and get an injunction, and that is right. They should be allowed to go, just as I went to the Federal court for relief in the Tubular Rivet & Stud Co. case, and just as numerous others have gone to the court for protection. The courts are open to them, and if a right is violated the violation of the right gives to a man his right to his remedy in the courts. There is no doubt about that.

Mr. REED. Not to interrupt the Senator, not to engage in any debate, but simply to get his view, do I understand the Senator from New Hampshire to hold that, having passed a bill creating a trade commission and prohibiting unfair competition, in his view any person feeling that he has been treated unfairly can go into the courts for primary relief?

Mr. HOLLIS. I have not the slightest doubt about it. Anyone who is injured by unfair competition may sue the person who has so injured him. There is nothing in any statute which forbids it; there is nothing in any case which forbids it. Unfair competition is declared to be unlawful. There is an analogy all through the field of law. There is a law in most States which provides that when you are driving a team you must turn out to the right. If you turn out to the left, and then some one is injured, that statute is introduced in evidence to establish your negligence It is not in all cases negligence per se, but in some States it is held to be evidence of negligence. If anyone should injure me by unfair competition against my business, I could bring a suit for damages for that injury, and the first thing I would introduce would be the statute making unfair competition illegal That would be in some jurisdictions conclusive evidence of negligence and in others it would be merely evidence to be considered by the jury with other evidence.

Mr. REED. I think I understand the Senator now. I only want to be sure that I do understand him, because I state to him very frankly I shall reply to his statements to-morrow morning. I would reply now, but part of them I did not hear. I understand the Senator's position now to be that if section 5 of the trade commission bill is enacted into a law, without any other legislation, any person who feels that he has been the victim of unfair competition can at once go into any Federal court and bring his suit and maintain it there, without having first gone to the trade commission.

Mr. HOLLIS. That is not exactly accurate, although that may be correct. I do not say a Federal court. I am quite sure it would not give the Federal court jurisdiction in all cases, but he might go into a court having jurisdiction.

Mr. REED. Either State or Federal?

Mr. HOLLIS. Either State or Federal. I hope the Senator will address himself to that, because if I am mistaken in that proposition I shall be very glad, indeed, to know it. I think it is of very great importance.

Mr. REED. Now——

Mr. HOLLIS. Let me finish my answer to the Senator's first question before we get too far away. I am in favor of amending this bill so as to include the class of cases the Senator from Montana brought up—the Mimeograph case, which was discussed, I think, by the Senator from Missouri. It does not seem harmful or injurious to annex to the sale or the lease of any article, patented or unpatented, that it shall be used only with the ink, paper, or supplies furnished by the owner of the patent or the seller or lessor of the article. In my judgment there is, however, serious doubt whether that would be considered unfair competition in most cases. If it were carried far enough to give to the owner of the mimeograph the entire control of the mimeograph business, that would constitute unfair competition and be subject to the inhibition of the trade-commission law. But I am willing, for the sake of making a concession, to have the case of the sole right to sell supplies included under the amendment the Senator from Montana proposes to offer. That is the answer to the Senator's first question.

Mr. REED. So that is the Senator's position. I will not ask questions at all that are unpleasant.

Mr. HOLLIS. They can not be too unpleasant. I am used to it.

Mr. REED. I am not asking an unnecessary question.

Mr. HOLLIS. The Senator may ask any questions he may think of, and if I can answer them I will.

Mr. REED. I am only trying to elicit the Senator's opinion. As I understand the Senator now, he is willing to have an

amendment adopted which will prohibit the practices of the Shoe Machinery Trust—I will call it for the want of a better name—and he is willing to go further than that and have a substantive law passed prohibiting the contract by which the owner of a patented article compels the owner or lessees of that article to use certain supplies.

Mr. HOLLIS. No; the Senator misunderstands me. The whole proposition is included in the case the Senator last stated, because that would incidentally cover the Shoe Machinery case. In my judgment, the Shoe Machinery case is fully covered by the Sherman antitrust law, and the decree in that case will be in favor of the Government. But the concession I am willing to make is the one last stated by the Senator, to the effect that exclusive-use contracts of patented articles shall be void, as provided by the Senator from Montana, so as to cover cases like the Shoe Machinery case, and the Mimeograph case, and the Harrow case, I think it is; and there are others.

Mr. REED. As a general proposition?

Mr. HOLLIS. As a general proposition.

Mr. REED. The Senator means if I sell a patented article to him, or if I lease it to him, I can not attach a condition compelling him to purchase his supplies from me?

Mr. HOLLIS. Yes; I am willing to go to that extent.

Mr. REED. If the Senator goes to that extent, if he will permit me, I will say that he and I are on a common ground.

Mr. HOLLIS. The trouble was pointed out carefully by the Senator from Montana on Friday, and the motion to reconsider would include both sections 2 and 4.

Mr. REED. If the Senator will pardon me, he is wrong about the motion to reconsider. The notice to reconsider was a general notice that the motion would be made, and it was entered.

Mr. HOLLIS. Does the Senator understand that two and four can be divided so that only four may be considered?

Mr. REED. You can always divide.

Mr. HOLLIS. If that is done, and the Senator can show that section 4 is not broader than the amendment offered by the Senator from Montana—and I understand it is very much broader and will cover many cases that it ought not to cover—then I shall vote for it. I am willing to go to that extent, but not further.

Mr. REED. The amendment of the Senator from Montana covers only such cases as the Shoe Machinery case, but does not go to the question of supplies if I correctly understand the matter. What I was anxious to know was if the Senator was willing—and he has already answered me on that very fully that he is willing—to cover supplies. I take it the Senator is not wedded to any particular amendment, but is willing to go to the extent of prohibiting contracts such as the Shoe Machinery Co. make, whether covered in the motion of the Senator from Montana or in section 4. That principle the Senator is ready to support.

Mr. HOLLIS. I have already told the learned Senator once——

Mr. REED. I do not ask it again.

Mr. HOLLIS. That I do not think the Shoe Machinery case should be covered by the amendment. I think it is covered by the Sherman antitrust law. So far as cases like the Mimeograph case, which are cases covering supplies, I do think they should be covered and might be properly covered by it. That is just what I answered 10 minutes ago.

Mr. REED. I am not trying to cavil over this matter, but I want the Senator to understand that I am trying to be as polite as I know how to be. I am simply trying to get his views. If there is a doubt about the Shoe Machinery case, would not the Senator be willing to put in a positive law prohibiting the practice and end that doubt?

Mr. HOLLIS. I understand that the amendment of the Senator from Montana does do just that. I do not think it is necessary, but I think in order to end that doubt it should be done. I think that does the business, and I shall favor it when it is offered.

Mr. LEWIS. Mr. President, may I be permitted to interrupt the Senators merely to make a suggestion that I think might be pertinent for consideration at this time, when we are on the eve of possibly yielding an agreement to sustain an idea advanced? I heard the Senator from Montana present his proposition, which I recognized, I thought, as the embodiment of the bill presented by the Senator from Oklahoma [Mr. GORE]. I have just heard the able Senator from New Hampshire [Mr. HOLLIS] make concession to the Senator from Missouri [Mr. REED] on this question. In my humble judgment, the proposed amendment, if passed, would absolutely have no potent effect, for the reason that when a man attempted to buy a machine and there was written in his contract that in consideration of the price of the machine and in consideration of purchasing a certain quantity or a certain class of supplies, and he made such contract, it could not be made illegal by action of ours, because it is his liberty to make his contract, and under the case of Allgeyer against Louisiana, which I think you will find in One hundred and sixty-fifth United States, I advise the learned Senators who have given this question much more attention than I that there was then the very question now at issue. There it was held that an attempt to prevent by law a contract being made between persons not illegal in itself was an infringement of that constitutional clause guaranteeing the right of liberty and the pursuit of happiness. That the word "liberty" must be construed to mean the right to make any kind of a contract that in itself is not contra bonos mores. That is the view which I would like to ask the learned Senator to take into consideration.

Mr. REED. The case the Senator refers to I have not read for some time, but I remember it, and I think the line of distinction is very clear.

Mr. LEWIS. I do not remember it quite absolutely.

Mr. REED. If the Senator's position as stated by him is correct, and if the broad principle of the Constitution exists which provides that a man in contracting with reference to his property can do anything with it which is not contrary to public morals, then we might just as well wipe out all our antitrust work, because every antitrust statute is based upon the idea that no man can use his property so as to destroy the right of another man to use his property. While it is true as a constitutional proposition that A owning a piece of property has the free right to use it, the legislative authority does not impinge upon that constitutional liberty when it says to the man owning the property: "You shall not use it in such a way as to destroy the liberties of others."

Mr. WALSH. I should like to inquire of the Senator from Missouri whether in his opinion the antitrust statute itself is not a restriction upon the unlimited power of Congress.

Mr. REED. I think it is.

Mr. WALSH. I ask him whether if section 5 of the trade commission bill has any efficacy at all it is not likewise a restriction upon the power of Congress.

Mr. REED. Possibly a restriction if it has any efficacy.

Mr. LEWIS. I hold the distinction to be this, if I may be pardoned for injecting into a debate I am not regularly in: The antitrust acts are based upon the violation of matters which are in themselves restraints of trade and in themselves injurious to the public, though it may concern individuals or parties as far as the matter is in hand. The unfair competition clause is likewise addressed to the unfair competition between the parties, not the result of dealings between them, but of dealings adverse and against them. That, I fear, is the distinction that is going to give us all the trouble eventually.

I had hoped, Mr. President, at some time—possibly during this debate—to offer my humble views to the Senator, who has given this subject great consideration, to show wherein I feel there is great danger, in view of the conflict between these two measures. I now suggest it. Unfair competition by that general phrase I have defended, and I have continued to defend, because I see its absolute validity from the standpoint of a lawyer. I realize that if the definition could be so exact as to embrace all conditions that could arise, it would be much more desirable; but the reason I defend it is that it relates to conduct on the part of individuals against others, without their consent and against their interest, and therefore will so be construed wherever it can be brought before the court as involving any set of circumstances which worked such results. But I fear, in the matter referred to by the able Senators from New Hampshire, Missouri, and Montana, who have just spoken, that where we attempt in this body to pass a law which specifically says that A shall not contract with B that the latter shall receive from the former supplies, we invalidate a contract between A and B in the face of the specific provision of the Constitution that allows to each individual liberty of transactions between himself and another individual, and we could not pass such an act as that without doing two things—invading the domain of personal liberty to contract and violating the domain of personal rights of contract.

For that reason it seems to me that such an act is likely to be obnoxious to the constitutional provision, and, as it seems to me, within the rule of Allgeyer against Louisiana, because the distinction made there is this: That only that conduct of A against the world and against the community may be interdicted by law, unless the act is contrary to good morals and to justice, while an arrangement which is made between A and B as to sales between themselves, a contract between themselves, is a different matter, and a law designed to prevent such con-

tracts as that infringes the personal liberty of individuals. That is the fear I have, and that is the distinction that I find, but I yield to those who have more studiously thought on this subject. I am merely expressing the fear I have of the unconstitutionality of such legislation.

Mr. REED. Will the Senator pardon merely a suggestion?

Mr. LEWIS. Yes.

Mr. REED. I think I can show the Senator by a very old illustration that his fears are based upon the fact that he has, I think, overlooked some matters. The Senator seems to take the view that the test is that the Government, the lawmaking body, can not interfere in a contract between two people; that they are at liberty to contract as they please.

Mr. LEWIS. When it does not touch the public morals.

Mr. REED. When it does not touch the public morals.

Now, A, we will say, is engaged in running a store; he sells out to B, and he signs a contract that he will never again engage in the grocery business. That is a contract between those parties, and yet such a contract has always been declared to be a void contract.

Mr. LEWIS. Not if A adds the qualification of a geographical limitation to it.

Mr. REED. Ah, but that does not help it. If A has a liberty of contract, he has the right to make a contract for his whole life and for the whole domain.

Mr. LEWIS. May I show the able Senator a distinction there?

Mr. REED. The courts made the distinction that as long as they limited the length of time the contract was to run, and put in a reasonable limit, and a limited place, that they would not strike down the right to make that sort of a contract; but if they did not put those limitations in, making the contract reasonable both as to time and place, they would strike down the contract, not upon the ground that a crime had been committed, not that there had been any bad morals involved, but upon the ground that such contracts were against the public policy of the land; that they deprive the rest of the community of that kind of service which might otherwise be rendered to the community by the individual who had tied himself up in an unlimited contract.

It is upon the very doctrine that is involved in that old simple line of cases that the whole doctrine of the restraint of trade, if I understand correctly, has finally been built. When I go out into the community and contract with B and C and D and E and all others who engage in manufacturing certain products that they will unite with me, and thus control the whole business of the country, it is because that is a restraint not only of individuals but a restraint of the opportunity of the public to purchase that we have the doctrine of the restraint of trade invoked.

Mr. LEWIS. Let me state——

Mr. REED. If the Senator will allow me to say this final word—and I am not saying this for the sake of controversy——

Mr. LEWIS. Oh, no; we are discussing, like lawyers, an abstract legal question.

Mr. REED. I think there can be no doubt about the proposition that of course the Government can not arbitrarily deny a man the right to use his property and the right to enjoy it; that is fundamental—the right to enjoy its issues and profits is his. That right is exhausted when it reaches the point where it can be said, and the statement be consistent with reason, that in exercising his property right he has invaded the rights of the general public. There is the point, I think, where legislative authority attaches.

Mr. LEWIS. Mr. President, I should like to say to the Senator from Missouri that here is the basis of my distinction: A contract made between JAMES HAMILTON LEWIS, of Illinois, and JAMES A. REED, of Missouri, that one of them shall not follow a certain calling or business within a period of 10 years within the whole State of Missouri or Illinois, if legal—and it must be considered to have been so held—is as complete a restraint of trade in so far as we could make it within that 10 years and within which time we both may die, not having any further time, and within that complete geography beyond which that particular matter need never have extended at all, and could within that geography serve its whole uses of a complete restraint. Therefore to the extent of the geography and to the extent of the time, if that contract of ours operates as a restraint of trade, it operates within the 10 years as completely as it would within a hundred years, and within those 10 years affects all those who would be injured by it, and they would be as completely injured within those 10 years as they would within 10 times 10 years. Therefore, if the theory of the law were, as my able friend says, merely to prevent restraint of trade, it would be perfectly apparent that a contract within certain limitations of territory or certain limitations of time could not be permitted, because the effect of such contracts would work the very same restraint within those qualifications of time and geography as if it extended for all time and all places. So I assure my able friend that I thought it was prohibited and the prohibition sustained on a different theory. This has been my idea: That they were sustained on the theory that a man could buy from another a certain form of good will and valuable assets for a certain sum of money or thing, and that in consideration of the sum he takes to himself he yields up the right of getting that same amount of money within certain same geography and a certain length of time and is a legitimate consideration by which he has been paid in an anticipatory way that which he might have been paid generally by customers in that length of time. That is the consideration on which it is sustained.

As to public policy, such a contract made between two individuals so far as the public is concerned will be sustained upon the idea that the particular nature of the business, supervised as it can be by the courts, can be clearly observed and does not in itself monopolize the opportunities of the citizen because of the subject matter involved and being one of those which is in general operation to the community at large.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Tennessee?

Mr. LEWIS. Always, with pleasure, if the Senator will allow me to finish the thought I had in mind.

Mr. SHIELDS. What I desire to say is in that connection, but I will forbear.

Mr. LEWIS. There is much to be said as to the last distinction made by the Senator from Missouri, that it is not necessary that these things to be forbidden should be contrary to public morals, if they are contrary to public policy; but wherever a practice goes to such an extent that it is directly in violation of public policy it will, in my judgment, be treated as also a violation of public morals.

Now I yield to the Senator from Tennessee, before I read a passage from a case to which I desire all Senators to pay heed, as it is one that is giving me perturbation at this time.

Mr. SHIELDS. Mr. President, I understand that a contract made by one who sells his business and the good will thereof to another that he will not engage in the same business within a limited territory and time is sustained, because the public interest is only affected and the agreement is necessary to support and protect the good will sold. Such contracts are held not to be unreasonable restraint of trade. If the contract stipulates that he will at no time engage in the same business or will not engage in it in any place in the United States, it is void and unenforceable. There are two reasons for this rule. One is that it deprives the citizen of the means of a livelihood, but the chief one is that it tends to monopoly.

Referring to the main question presented by the Senator, he is correct in his quotation of the case of Allgeyer against Louisiana. That case was cited and commented on in The United States against The Joint Traffic Association, but it was held not to be applicable to the Sherman law enacted to suppress restraints of trade and monopolies of commerce. The court in that case—the case of The United States against The Joint Traffic Association—said:

> The question really before us is whether Congress, in the exercise of its right to regulate commerce among the several States, or otherwise, has the power to prohibit, as in restraint of interstate commerce, a contract or combination between competing railroad corporations entered into and formed for the purpose of establishing and maintaining interstate rates and fares for the transportation of freight and passengers on any of the railroads, parties to the contract or combination, even though the rates and fares thus established are reasonable. Such an agreement directly affects and, of course, is intended to affect the cost of transportation of commodities, and commerce consists, among other things, of the transportation of commodities, and if such transportation be between States it is interstate commerce.

Thus the question was stated. In regard to the power of Congress, the court further said:

> We think it extends at least to the prohibition of contracts relating to interstate commerce, which would extinguish all competition between otherwise competing railroad corporations, and which would in that way restrain interstate trade or commerce. We do not think, when the grantees of this public franchise are competing railroads, seeking the business of transportation of men and goods from one State to another, that ordinary freedom of contract in the use and management of their property requires the right to combine as one consolidated and powerful association for the purpose of stifling competition among themselves, and of thus keeping their rates and charges higher than they might otherwise be under the laws of competition. And this is so, even though the rates provided for in the agreement may for the time be not more than are reasonable. They may easily and at any time be increased.

And, again, the court says:

> Notwithstanding the general liberty of contract which is possessed by the citizen under the Constitution, we find that there are many kinds of contracts which, while not in themselves immoral or mala in se,

may yet be prohibited by the legislation of the States or, in certain cases, by Congress. The question comes back whether the statute under review is a legitimate exercise of the power of Congress over interstate commerce and a valid regulation thereof. The question is for us one of power only and not of policy. We think the power exists in Congress, and that the statute is therefore valid.

Mr. President, such statutes as this are simply police regulations; they are enacted in the exercise of the police power. While that power is not one of the enumerated powers of Congress, but remains in the States, yet Congress can exercise it whenever necessary to execute and carry into effect any of the expressed powers vested in it. In such cases it is implied—in this case the power to regulate commerce. The cases upon the subject all hold that the liberty of contract and personal liberty may be restrained when necessary for the public welfare. These rights are protected by the Constitution, and the power to enact laws for the public welfare is also provided for by the same instrument, and they must be enforced along with each other consistently and harmoniously. The only question here is, Are these statutes reasonable police regulations and reasonably calculated to effect the purposes intended; that is, to prevent restraints and monopolies of interstate commerce? If so, they are valid; and if not, they are void.

Mr. LEWIS. Mr. President, as I have introduced this somewhat debatable question—not particularly important, but introduced it merely by an interrogation of three of the Senators whose personal industry on this subject I have had occasion both to observe and admire—I will say it was not my object to enter into the field of discussion, either from the fundamental point of view or from the point of expediency on this legislation at all, but to suggest what I felt was a barrier, whether insuperable or not I am not able to say, that we might consider it and see if it exists to the extent that I fear. I concede that the distinction made by the able Senator from Tennessee is the one upon which we must sustain this legislation, if sustainable, but I illustrate by adopting the words of the Senator from Montana, as I listened to them with great care, wondering, knowing his capacity as I do, and paying tribute to it wherever I can, that he should have used that particular illustration to carry out the ultimate purpose, and thinking then, as I now think and shall express, that there was not brought to his mind the inapplicability of the illustration to his conclusion.

This is what agitates my fears: The Senator from Tennessee produces a case which in itself is a mere matter of interstate freight passing over railroads between States, clearly a subject within the Constitution. That no man would have a right to claim as justified a contract between A and C railroads and G and F railroads which made a monopoly of freight, interstate commerce, merely on the theory of the right to contract. Everyone must at once admit this fact, because the subject matter becomes at once, on the very face of it, interstate commerce and is very clearly, by the very subject, attaching itself to affairs between States, matters passing between States; and the able Senator from Tennessee has shown beyond dispute that the right of private contract could not be plead to sustain that.

This, however, is the distinction which I fear we run against: The able Senator from Montana used this figure of speech touching private local matters to bring it clearly to our mind. Said he: If I buy a typewriter from a typewriter concern, can that typewriter concern, merely because it has a patent—we will say the Remington or Oliver—say to me, "You shall buy from me your paper and your carbon or the towels used in your office, or the desk, or the coal for the fire?"—if I remember his speech.

Now, I say that they would not have a right to do such, as a matter of right or wrong, because such would be oppressive and obviously unfair. This must be conceded. That such would be an exaction that would be unjust under certain conditions must be admitted. That that would be mean, low, and contemptible to take advantage of the individual because he had to buy that particular typewriter will also be conceded. But this distinction is worrying me: What interstate-commerce feature, what governmental, constitutional feature, is involved in a contract between the Senator from Montana, the Hon. THOMAS J. WALSH, and a citizen of the city of Helena, with whom he may have a neighborly relation that leads to his asking, "Well, Mr. WALSH, have you come to buy a typewriter?" "Yes." "All right, sir. Now, in consideration of the price for which I let you have this machine, $40"—to use a figure of speech—"you also agree with me that the paper you print on or the carbon you use shall also be bought from me." Mr. WALSH says, "All right." The contract appears to be for a consideration, as follows: "That for the small price at which the typewriter is being sold, you agree to buy a certain quantity"—and that quantity may embrace all he may need for a certain time—"of these supplies of paper, carbon, soap, and towels."

I am insisting on this query: In what way does that infringe the interstate-commerce feature by which we can have here in Congress the right to prescribe that A and B in those States, in relation to that single bit of commodity that bears no relation to an interstate character, can be inhibited absolutely from making such an agreement as a private contract between the parties?

Mr. REED. Mr. President, the Senator seems to be addressing his remarks a little to me.

Mr. LEWIS. Yes, sir. We are discussing it as lawyers in the forum.

Mr. REED. Manifestly, in the illustration given, the Government has nothing whatever to do with it and would have nothing to do with it. It is an intrastate transaction pure and simple, and neither this bill nor any other bill undertakes to deal with a case of that kind. That is a matter for legislation in the State of Montana. If, however, the Senator from Montana were in the city of New York and proceeded to make a contract with a citizen of Montana, and the citizen of Montana were to ship the typewriter to the Senator in New York and were to attach the trade condition we are speaking of to that sort of transaction, then, because it was an interstate transaction, the Government might have something to say.

Mr. LEWIS. Yes. That brings me to the point that every contract you illustrate need only be within the State in which both parties live to carry out all the purposes which you seek to avoid.

Mr. REED. I do not agree with the Senator, provided he means it in one sense. If the Senator means that a builder of typewriters engaged in manufacturing them in the State of New York would establish an agency in the State of Montana, and then, through that agency, sell to a citizen of Montana in Montana a typewriter with these conditions attached, I do not think that that device or method would avoid the power of the Government, because the instrument itself is in fact the subject of interstate commerce, and the conditions made under those circumstances would probably be regarded as a mere subterfuge for the purpose of avoiding the Federal law.

We have that sort of difficulty with reference to every contract. For instance, the Steel Trust might, if it saw fit, have an agent in the State of Montana, and it might, through that agent, make a sale and attach conditions; yet I do not believe the Government in that case would be deprived of showing that the steel was actually shipped in interstate commerce, that the company's home was really in New Jersey, and that the method devised was a mere subterfuge to try to get away from the interstate-commerce provision. That is the way it seems to me.

Mr. LEWIS. What has the Senator to say as to this, then? I ask the able Senator from Tennessee likewise to note what I think is the distinction. If we are bothered at all, we are bothered by this:

The contract denounced by the Supreme Court of the United States was in a case where a man agreed to have certain insurance contracts between A, B, and C companies, extending from one State into another State, and the State attempted to pass laws within the State to prevent that. The State is much more of a sovereign than the Federal Government as to certain matters, we naturally recall.

Mr. SHIELDS. Is that the Louisiana case?

Mr. LEWIS. Yes, sir; one phase of it. The Supreme Court of the United States says:

> The Supreme Court of Louisiana says that the act of writing within that State the letter of notification was an act therein done to effect an insurance on property then in the State in a marine insurance company which had not complied with its laws, and such act was, therefore, prohibited by the statute. As so construed, we think the statute is a violation of the fourteenth amendment of the Federal Constitution, in that—

This is the point I wish to press on my able colleagues—how far the fourteenth amendment can be invoked; for if it applies to State legislation, of course it would apply to Federal legislation all the more—

> As so construed, we think the statute is a violation of the fourteenth amendment of the Federal Constitution, in that it deprives the defendants of their liberty without due process of law. The statute which forbids such act does not become due process of law, because it is inconsistent with the provisions of the Constitution of the Union. The liberty mentioned in that amendment means not only the right of the citizen to be free from the mere physical restraint of his person, as by incarceration, but the term is deemed to embrace the right of the citizen to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or avocation, and for that purpose to enter into all contracts which may be proper, necessary, and essential to his carrying out to a successful conclusion the purposes above mentioned.

Then, says the court, proceeding, after referring to certain cases sustaining its conclusions:

The foregoing extracts have been made for the purpose of showing what general definitions have been given in regard to the meaning of the word "liberty," as used in the amendment, but we do not intend to hold that in no such case can the State exercise its police power. When and how far such power may be legitimately exercised with regard to these subjects must be left for determination to each case as it arises.

Has not a citizen of a State, under the provisions of the Federal Constitution above mentioned, a right to contract outside of the State—

Which, we will say in the illustration of my friend the able Senator from Missouri, would be in New York, to the citizen of Montana—

outside of the State for insurance on his property—a right of which State legislation can not deprive him? We are not alluding to acts done within the State by an insurance company or its agents doing business therein, which are in violation of the State statutes. Such acts come within the principle of the Hooper case (supra), and would be controlled by it. When we speak of the liberty to contract for insurance or to do an act to effectuate such a contract already existing, we refer to and have in mind the facts of this case, where the contract was made outside the State, and as such was a valid and proper contract. The act done within the limits of the State under the circumstances of this case and for the purpose therein mentioned, we hold a proper act, one which the defendants were at liberty to perform and which the State legislature had no right to prevent, at least with reference to the Federal Constitution. To deprive the citizen of such a right as herein described without due process of law is illegal. Such a statute as this in question is not due process of law, because it prohibits an act which, under the Federal Constitution, the defendants had a right to perform. This does not interfere in any way with the acknowledged right of the State to enact such legislation in the legitimate exercise of its police or other powers as to it may seem proper. In the exercise of such right, however, care must be taken not to infringe upon those other rights of the citizen which are protected by the Federal Constitution.

Then concluding, as I wish to conclude, with a mere observation:

In the privilege of pursuing an ordinary calling or trade and of acquiring, holding, and selling property must be embraced the right to make all proper contracts in relation thereto, and although it may be conceded that this right to contract in relation to persons or property or to do business within the jurisdiction of the State may be regulated and sometimes prohibited when the contracts or business conflict with the policy of the State as contained in its statutes, yet the power does not and can not extend to prohibiting a citizen from making contracts of the nature involved in this case outside of the limits and jurisdiction of the State, and which are also to be performed outside of such jurisdiction; nor can the State legally prohibit its citizens from doing such an act as writing this letter of notification, even though the property which is the subject of the insurance may at the time when such insurance attaches be within the limits of the State.

Then the case proceeds, of course, to set forth the facts.

Mr. President, I have taken the liberty merely to bring this ruling to the attention of my able colleagues to revive their minds as to a matter which might have escaped their attention, or, being in their minds, might not have been fresh in its distinction. The fear I have, if I may call it a fear, is that if we shall adopt this amendment, or take the law as tendered by the Senators from Oklahoma and Montana, which on its face does nothing more than to prevent A from agreeing with B to buy some of B's ordinary commodities within the same city where they live—the contract being based upon a consideration satisfactory as between A and B, and bearing no relation in itself to the general subject of interstate commerce. Such legislation impresses me, however inexpedient from the point of morals and possibly of good justice, yet as not within the purview of this Federal Legislature or Federal legislation, and as directly in violation of the fourteenth amendment to the Federal Constitution, guaranteeing liberty in action as construed within this case I have now read. Mr. President, I have made my point, and now to further amplify it, would, I fear, burden you.

Mr. REED. Mr. President, I want to say just one word. There is no question that Congress can not interfere with transactions that are purely intrastate. There is no question, either, that Congress can pass any reasonable regulation of interstate commerce.

Mr. CHILTON. Mr. President, will the Senator pardon me?

Mr. REED. Let me finish the sentence.

Mr. CHILTON. I know what I am going to say will not interrupt the Senator. I want to call attention to the fact that this is probably the first time in the history of the Senate when the minority side has been entirely unrepresented on the floor of this body.

Mr. CUMMINS. I beg the Senator's pardon.

Mr. STERLING. Mr. President——

Mr. CHILTON. The Senator was over on the Democratic side and I did not notice him.

Mr. McLEAN. The Senator had better look around.

Mr. REED. No, Mr. President; my friend meant to be fair, but he simply looked on the other side.

Mr. CHILTON. That is right.

Mr. REED. He forgot the fact that there are three distinguished Republican Senators who have come over to this side——

Mr. LEWIS. May they remain!

Mr. REED. And in order to be perfectly fair it ought to be added that at the time the Senator rose there were upon this side of the Chamber exactly six Democrats present; so the Republicans have done pretty well. They have come over and joined us on our side and helped make this side look a little fuller, at least.

Mr. CHILTON. Mr. President, I just wanted to call attention to the silent prophecy in the fact that the Republican side of this Chamber is empty.

Mr. JONES. Not quite.

Mr. REED. Mr. President, I was only going to add a sentence to what I was saying. There is no question but that we can deal with interstate commerce, and as long as we are regulating interstate commerce in a reasonable way we can proceed without any difficulty. I will say to the Senator from Illinois that I think there is a graver question involved in this legislation than he has suggested, and that is whether we are not, by much of this legislation, going beyond the regulation of the commerce itself and seeking to regulate the institution which may be engaged in commerce. That is a very grave question. I have not seen fit to undertake a discussion of it, because so far as I am concerned I have been interested in trying to have some effective legislation passed. I think the great trouble with the antitrust legislation which we are now considering is that the thought embraced in the appeal of old King David, as his army went out to battle—

Deal gently with the young man Absalom for my sake—

is being applied to the trusts and monopolies of this country. I have not seen the slightest disposition in the Senate to put any teeth in this trust act. On the contrary, the doctrine most frequently advocated is that we ought to set up some kind of tribunal that will act as a sort of guardian ad litem for the trusts and monopolies of this country, and that we should proceed to hold up the light and kindly lead them into a safe country.

Every attempt to put a substantive provision into the law has failed. Every attempt that has been made thus far to add a penalty, every attempt to strike a blow, has failed. You can get what our friend Perkins, of the Harvester Trust, and his protégé, Mr. Roosevelt, were clamoring for two years ago—a commission with a sort of legal warrant to roam at large, guided only by its own instincts, circumscribed alone by its own notions; a commission which, if it possesses the power to declare a thing illegal likewise possesses the power to declare it legal. If it possesses the power to go one whit beyond the present written law of this land, possesses the power to proceed to such length as it may see fit; and if it possesses the power to strike down one statute of the United States, it possesses the power to strike down all statutes of the United States relating to the subject matter consigned to it. If it possesses the power to set aside one decision of the court, a decision inimical to the public welfare as it may conceive or as we may conceive it, it likewise possesses the power to strike down every decision for the public benefit as we see it. Whenever you ask to put into the law an absolute prohibition, whenever you ask to write into the law language by which Congress says an act can not be done, we have hitherto been met by an insistent demand that no such language shall go into the law. That, I say to the Senator from Illinois [Mr. LEWIS], is the great danger confronting us.

We are of different views of thought here in the Senate. Some of us believe that the trade commission as it is now formed, with no substantive law back of it save the expression "unfair competition is hereby prohibited," will be a body either possessed of unlimited authority, and therefore a body that may strike down the wholesome laws we now know we possess, or else a body that will possess such limited authority that it can proceed nowhere except where it has a law to guide it, and therefore can not add one line to the law. Those two opposing views being here, it seems to me we ought to be able to agree that if the trade commission is to stand under this general authority, and with nothing but this general law as the measure of its authority, we should at least by substantive acts prohibit those practices which we know are wrong, and which can be reached without in any way destroying the trade commission, for we can prohibit contracts of the class being made by the Shoe Machinery Trust, by the typewriter and sewing machine manufacturers, and by other large classes of manufacturers which I will not stop to even name. We can safeguard the public against those wrongs by distinct enactment, and then if there be virtue in the trade commission it still can exist, and

it will have these statutes in addition to all that now exist as its guide when it proceeds to work.

I am glad to know that the Senator from Montana [Mr. WALSH] substantially agrees with me that section 4 should be restored and that the Senator from New Hampshire [Mr. HOLLIS] substantially agrees with the Senator from Montana. I have no pride of opinion; I do not care in what form or in what exact phraseology we accomplish the result, so long as the result is accomplished. I do not think that the amendment offered by the Senator from Montana is as broad as it ought to be, but I am delighted to find this evident disposition to put a little virility into the trust act that it does not now possess. I feel that this motion to reconsider ought to be passed now as a matter of course in order that the subject may be brought before Congress and that it may be here to be considered. Unless some one desires to speak upon it, I should like to have my motion to reconsider section 4 passed upon, in order that the subject may be opened up.

Mr. CUMMINS. What is the amendment to which the Senator from Missouri has just referred?

Mr. REED. The proposition that is before the Senate is a motion to reconsider the action of the Senate in striking out sections 2 and 4 of the Clayton bill, and I ask for a division of the question, so that we may vote upon reconsidering section 4.

The amendment I was just referring to as coming from the Senator from Montana, which I think is what the Senator from Iowa refers to, is a substitute the Senator from Montana has drawn, which, I understand, is very nearly the same as the bill brought in by the Senator from Oklahoma [Mr. GORE], relating to patented articles. I should like to have the motion to reconsider passed upon, and then, the matter being before the Senate, of course we can take up the question as to what is the proper amendment.

Mr. CUMMINS. Mr. President, I am not familiar with the amendment. I did not know, in fact, that it had been offered. I am entirely willing that section 4 shall be reconsidered, for I do not agree with some of the Senators who have spoken upon the subject that it is covered by the unfair competition section of the trade commission bill, or at leat I am of the opinion that the greater number of the things covered by section 4 would not be covered by section 5 of the trade commission bill.

I have been opposed to section 4, not for the reason that it was embraced in the bill already passed but because I think it forbids certain things that are not only innocent but ought to be encouraged. The things that have been debated here are obviously bad and ought to be prohibited, but when we prohibit them we ought not to include in them certain other things that I think the trade of the country must be permitted to do in order to preserve the competition and the rivalry we are all in favor of.

Mr. REED. If the Senator will pardon me, the Senator agrees with me, then, that the subject matter ought to be brought before Congress?

Mr. CUMMINS. I do.

Mr. REED. Then we can debate as to just what form it ought to be in. I thought maybe we could get a vote this morning.

Mr. CUMMINS. As the Senator from Missouri knows, I have been of the opinion all along that section 4 ought not to be stricken from the bill, because it was embraced in section 5 of the trades commission bill.

Mr. SHIELDS. Mr. President, while the motion to reconsider sections 2 and 4 has been separated, the motion to reconsider section 2 has not been abandoned or withdrawn, and there is pending a motion to reconsider the action of the committee in amending the bill by eliminating both sections 2 and 4, including the criminal clauses that the House placed upon both those sections.

Mr. NELSON. Mr. President, will the Senator yield to me to ask for a quorum?

Mr. SHIELDS. I yield to the Senator.

Mr. NELSON. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JONES in the chair). The Senator from Minnesota suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Martine, N. J.	Shively
Brady	Hollis	Myers	Simmons
Chamberlain	James	Nelson	Smith, Md.
Chilton	Johnson	Overman	Smoot
Clapp	Jones	Perkins	Swanson
Culberson	Kern	Pittman	Thomas
Cummins	Lane	Poindexter	Thompson
Dillingham	Lea, Tenn.	Reed	Thornton
Fall	Lewis	Shafroth	Weeks
Fletcher	McLean	Sheppard	West
Gallinger	Martin, Va.	Shields	White

Mr. THORNTON. I was requested to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN], and also that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I ask that the announcement may stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

Mr. PITTMAN. I wish to announce that the Senator from Delaware [Mr. SAULSBURY] is detained from the Senate on account of illness. He is paired with the Senator from Rhode Island [Mr. COLT].

Mr. DILLINGHAM. I wish to announce that my colleague [Mr. PAGE] is still detained at home on account of sickness in his family.

The PRESIDING OFFICER. Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. STERLING answered to his name when called.

Mr. MCCUMBER, Mr. BRISTOW, Mr. BANKHEAD, Mr. BRYAN, and Mr. NEWLANDS entered the Chamber and answered to their names when called.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present. The Senator from Tennessee will proceed.

Mr. SHIELDS. Mr. President, after a careful consideration of the Sherman antitrust law, enacted July 2, 1890, to protect trade and commerce against unlawful restraints and monopolies, and a review of the litigation conducted under it by the United States I am profoundly convinced of the wisdom of the provisions of the House bill contained in sections 2, 4, 8, and 9 prohibiting and penalizing local price cutting, what are known as tying contracts, holding companies, and other corporations from purchasing and controlling the capital stock of competitive corporations, and interlocking directorates in such corporations, for the purpose of lessening competition, restraining trade, and monopolizing commerce. The penalty provided in these sections, for those violating them, is imprisonment not exceeding one year and fine not exceeding $5,000, or both, in the discretion of the court.

In my opinion these sections contain all the real substantive law supplementary of the Sherman law to be found in the bill before us, and that without them it will fall far short of what the public has been led to expect from Congress, and what the common welfare of the country imperatively demands.

The committee amendments proposed before and since favorably reporting the bill are to strike out entirely sections 2 and 4 and the criminal clauses of sections 8 and 9, all of which I oppose.

I favor these sections because I believe that events since the enactment of the Sherman law have demonstrated that restraints of trade and monopolization of commerce can not be prevented and suppressed without certain and speedy criminal punishment of those who promote and organize them. In my opinion the penal provisions proposed will greatly facilitate such punishment, because the specific acts penalized can be detected and proven with ease, while it is difficult to ascertain and prove the complicated facts constituting completed conspiracies and monopolies, and if prohibited many monopolies will be defeated while in the stage of promotion.

I will undertake to show in the course of this discussion that the proceeding in equity which the Department of Justice has usually resorted to in attempting to enforce the Sherman law has proven a dismal failure for that purpose.

I will not read the sections of the House bill, to which I have referred, because the Senators have the bill on their desks and are familiar with them; but will content myself with reading some excerpts from the report of the Senate Committee on the Judiciary recommending the bill for passage, which set forth and explain the provisions of these sections.

The committee, after stating section 2, prohibiting local price cutting, in explanation of it, says:

> There are two provisos in this section which are important. The first proviso permits discrimination in prices of commodities on account of differences in grade, quality, and quantity of the commodity sold, or that makes only due allowance for difference in the cost of transportation. The second proviso permits persons selling goods, wares, and merchandise in commerce to select their own customers, except as provided in section 3, which will be considered later. The necessity for legislation to prevent unfair discriminations in prices with a view of destroying competition needs little argument to sustain the wisdom of it. In the past it has been a most common practice of great and powerful combinations engaged in commerce—notably the Standard Oil Co. and others of less notoriety but of great influence—to lower prices of their commodities, oftentimes below the cost of production, in certain

communities and sections where they had competition, with the intent to destroy and make unprofitable the business of their competitors, and with the ultimate purpose in view of thereby acquiring a monopoly in the particular locality or section in which the discriminating price is made. Every concern that engages in this evil practice must of necessity recoup its losses in the particular communities or sections where their commodities are sold below cost or without a fair profit by raising the price of this same class of commodities above their fair market value in other sections or communities. Such a system or practice is so manifestly unfair and unjust, not only to competitors who are directly injured thereby but to the general public, that your committee is strongly of the opinion that the present antitrust laws ought to be supplemented by making this particular form of discrimination a specific offense under the law when practiced by those engaged in commerce.

The necessity for such legislation is shown by the fact that 19 States have enacted laws forbidding this particular form of discrimination within their borders. These State statutes have practically all been enacted in the last few years, and most of them in the years 1911, 1912, and 1913. It is important that these State statutes be supplemented by additional legislation by Congress, for it is now possible for one of these great corporations doing business in not only the 48 States but throughout the world to lower the prices of its commodities in a particular State and sell within that State at a uniform price in compliance with State laws, and thereby destroy the business of all independent concerns and competitors operating within the State. The loss incurred by such gigantic effort in destroying competition can be more than regained by general increase in the prices of their commodities in other sections. In fact, complaint has been made to your committee that efforts have been made by certain great corporations engaged in commerce in some of the States which have enacted statutes forbidding such discrimination to circumvent the State laws by the methods above described. In seeking to enact section 2 into law we are not dealing with an imaginary evil or against ancient practices long since abandoned, but are attempting to deal with a real, existing, widespread, unfair, and unjust trade practice that ought at once to be prohibited in so far as it is within the power of Congress to deal with the subject. This, we think, is accomplished by section 2 of this bill.

Tying contracts, prohibited by section 4, are referred to in the report in these words:

Where the concern making these contracts is already great and powerful, such as the United Shoe Machinery Co., the American Tobacco Co., and the General Film Co., the exclusive or "tying" contract made with local dealers becomes one of the greatest agencies and instrumentalities of monopoly ever devised by the brain of man. It completely shuts out competitors not only from trade in which they are already engaged, but from the opportunities to build up trade in any community where these great and powerful combinations are operating under this system and practice. By this method and practice the Shoe Machinery Co. has built up a monopoly that owns and controls the entire machinery now being used by all great shoe-manufacturing houses of the United States. No independent shoe manufacturer of shoe machines has the slightest opportunity to build up any considerable trade in this country while this condition obtains. If a manufacturer who is using machines of the Shoe Manufacturing Co. were to purchase and place a machine manufactured by any independent company in his establishment, the Shoe Machinery Co. could, under its contracts, withdraw all their machinery from the establishment of the shoe manufacturer, and thereby wreck the busineses of the manufacturer. The General Film Co., by the same method practiced by the Shoe Machinery Co., under the lease system, has practically destroyed all competition and acquired a virtual monopoly of all films manufactured and sold in the United States. When we consider contracts of sales made under this system, the result to the consumer, the general public, and the local dealer and his business is even worse than under the lease system.

The local dealer is required under the contract system to purchase and pay for each article secured for his business. He is required to contract for purchase on condition that he will not deal in like articles manufactured by competitors. If he can not sell the commodities so purchased, he must go out of business. It was shown in testimony before the committee during the recent hearings that a certain automobile manufacturing company, with a capital of only $2,000,000, had made a profit of $25,000,000 net on their investment in a single year. Was that a profit on the $2,000,000 actually invested by the manufacturing company? Not at all. It was the profit on that $2,000,000 supplemented by many times that many millions actually invested by local dealers in the machines of that company by so-called selling agencies throughout the country. The selling agencies are not in reality agencies at all, but are purchasers and owners of machines who have paid the full price therefor under contracts conditioned that these same dealers will not deal in the machines of any competitors or rival company. These extraordinary profits have been made largely on money actually invested in machines by customers, hundreds of which remain unsold in the possession of the local dealer. This illustration alone is sufficient to show the absolute unfairness of any such practice or system. The system is wholly bad for consumers and the general public and in its last analysis detrimental to the interests of the local dealers generally.

Section 8 is referred to in the report in these words:

Section 8 deals with what is commonly known as the "holding company," which is a common and favorite method of promoting monopoly. "Holding company" is a term generally understood to mean a company that holds the stock of another company or companies, but as we understand the term a "holding company" is a company whose primary purpose is to hold stocks of other companies. It has usually issued its own shares in exchange for these stocks and is a means of holding under one control the competing companies whose stock it has thus acquired. As thus defined, a "holding company" is an abomination, and in our judgment is a mere incorporated form of the old-fashioned trust. * * * Section 8 is intended to eliminate this evil so far as it is possible to do so, making such exceptions from the law as seem to be wise, which exceptions have been found necessary by business experience and conditions, and the exceptions herein made are those which are not deemed monopolistic and do not tend to restrain trade.

The section prohibiting interlocking directorates is explained as follows:

Section 9 deals with the eligibility of directors in industrial corporations engaged in commerce, and provides that no person at the same time shall be a director in any two or more corporations either of which has capital, surplus, and undivided profits aggregating more than $1,000,000, other than common carriers which are subject to the act to regulate commerce, if such corporations are or shall have been theretofore, by virtue of their business and location of operation, competitors, so that an elimination of competition by agreement between them would constitute a violation of any of the antitrust laws. In this it was not deemed necessary or advisable that interlocking directorates should be prohibited between the smaller industrial corporations. The importance of the legislation embodied in section 9 of this bill can not be overestimated. The concentration of wealth, money and property, in the United States under the control and in the hands of a few individuals or great corporations has grown to such an enormous extent that unless checked it will ultimately threaten the perpetuity of our institutions. The idea that there are only a few men in any of our great corporations and industries who are capable of handling the affairs of the same is contrary to the spirit of our institutions. From an economic point of view it is not possible that one individual, however capable, acting as a director in 50 corporations, can render as efficient and valuable service in directing the affairs of the several corporations under his control as can 50 capable men acting as single directors and devoting their entire time to directing the affairs of one of such corporations. The truth is that the only real service the same director in a great number of corporations renders is in maintaining uniform policies throughout the entire system for which he acts, which usually results to the advantage of the greater corporations and to the disadvantage of the smaller corporations, which he dominates by reason of his prestige as a director and to the detriment of the public generally.

Mr. President, I have read these excerpts with the risk of being tedious because they state the wrongful and vicious nature of the contracts, practices, and acts covered by sections 2, 4, 8, and 9, and the necessity of prohibiting and penalizing them, with great clearness and force and preclude all controversy concerning the merits of these sections of the bill.

The object of this bill, as expressed in its caption, is to "supplement existing laws against unlawful restraints and monopolies, and for other purposes," the existing law here referred to being the Sherman antitrust law, for that is the only Federal statute upon this subject.

In order to determine what legislation is necessary to supplement the Sherman law, we must keep in mind the provisions of that statute, the wrongs they were intended to prohibit, and the remedy provided for the enforcement of the law, and wherein time and experience have shown that this remedy is not sufficient to accomplish the purpose of the law.

The title of that act is in these words: "An act to protect trade and commerce against unlawful restraints and monopolies."

The first three sections, it is conceded, contain all the substantive law of the act, and are as follows:

SECTION 1. Every contract combination, in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both punishments, in the discretion of the court.

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both punishments, in the discretion of the court.

The third section merely applies the first and second sections to the District of Columbia, and the then-existing Territories.

These sections are in form and substance criminal statutes. They prohibit conduct declared to be unlawful, and penalize disobedience with fine and imprisonment or both, and thus by all the authorities come within the definition of such statutes. The other sections of the act, five in number, authorizing the United States to bring suits in equity to restrain and enjoin monopolies, and persons sustaining special damages to bring civil actions, are additional remedies common in criminal legislation.

Concerning criminal legislation providing civil remedies to aid in their enforcement, a work of authority says:

A crime or public wrong is a breach and violation of the public rights and duties due to the whole community, considered as a community in its social aggregate capacity. An offense, however, which is punishable as a crime, may also cause special injury to individuals and give rise to civil actions if they can show that the injury suffered by them is distinct from that suffered by the general public, as in the case of an affray and assault and battery, a nuisance, and many other offenses.

Criminal laws are public laws, and are made for the protection of the whole people and not for the benefit of any person or class of persons. The purpose of the Sherman law is to prohibit and punish public wrongs from which the general public are the sufferers, and not to protect small dealers and competitors of monopolies who are few in number compared to the great masses from whom tribute is exacted. The laws for the punishment of homicide are criminal laws for the protection of the public against violence to the person, resulting in death, and have been in force from the earliest history of the English people. The passage of Lord Campbell's act by the British

Parliament some time about the middle of the last century, and the enactment of similar statutes by the several States of the Union, allowing civil actions to the next of kin for injuries to the deceased, did not change their character; they are still criminal laws, and the civil actions allowed are but further penalties for the criminal conduct of the guilty parties.

Mr. President, before further discussing the Sherman law I wish to direct attention to the conditions that called for its enactment.

The laws of this country were not framed for the prohibition and punishment of modern monopolies and were inadequate for that purpose.

A monopoly, in its original form, as defined by Sir William Blackstone in his Commentaries, was "a grant from the sovereign power of the State by commission, letters patent, or otherwise, to any person or corporation, by which the exclusive right of buying, selling, making, working, or using anything was given." Monopolies of this character never existed in this country, and were abolished in England by the Parliament during the reign of Elizabeth and her immediate successors on the throne.

Monopolies of the present time are, generally, combinations of men and capital which, by the power thus obtained and exercised, destroy competition in trade and restrain and absorb commerce in some commodity, generally some prime necessity of life, to their exclusive advantage and profit, and to the detriment of the public.

Mr. Justice Jackson, while on the circuit bench in the case In re Greene (52 Fed. Rep., 116), said:

> A monopoly, in the prohibited sense, involves the element of an exclusive privilege or grant which restrained others from the exercise of a right or liberty which they had before the monopoly was secured. In commercial law it is the abuse of free commerce which one or more individuals have procured the advantage of selling alone or exclusively of all of a particular kind of merchandise or commodity to the detriment of the public.

Contracts and agreements made to restrain trade, or which necessarily tend to lessen and destroy competition and monopolize commerce to the detriment of the public, were by the common law against public policy and void, and the courts invariably refused to enforce them. But the common law provided no civil or criminal remedy for wrongs of this character, unmixed with fraud, unless they assumed the form of unlawful conspiracies which were both actionable and indictable.

The criminal jurisdiction of the courts of the United States is confined solely to misdemeanors and crimes denounced by acts of Congress, it never having been extended to include common-law offenses.

The criminal laws of this country, therefore, provided no punishment for those restraining trade and monopolizing commerce except where the transaction constituted an unlawful conspiracy, and the power to punish conspiracy was confined to the courts of the several States.

In the latter part of the last century combinations, conspiracies, and monopolies of the character described multiplied in number and capital invested and were more exacting in their extortions than ever before known, and fabulous fortunes were rapidly accumulated by those organizing them from the tribute which they levied upon the people. The public demanded relief from their oppression. The majority of the States in the period between 1880 and 1890 responded to this demand and enacted laws making all contracts, agreements, combinations, conspiracies, and schemes for destroying competition, restraining trade, and monopolizing commerce high misdemeanors and felonies, and the most of these statutes also provided civil actions in favor of individuals who sustained damages from the acts prohibited not common to the general public. These statutes, because their operation was confined to the territorial boundaries of the States and to intrastate commerce, proved insufficient for the purposes for which they were enacted. The necessity for Federal legislation became apparent to everyone, and the demand for it came from all parts of the United States. The great political parties of the day in their platforms adopted in national conventions recognized the existence of these wrongs and the necessity of legislation to protect the people from them, and pledges were made to enact suitable legislation for that purpose.

Senator Sherman, of Ohio, introduced a bill in the United States Senate December 4, 1889, to carry out the pledges of his party. It was fitting that he should do so, because the greatest of these monopolies, the Standard Oil Co., had its home in his State, and the courts of Ohio had grappled with and attempted to suppress it without substantial success. The measure was not partisan. The most distinguished and able Members of the Senate and House of Representatives of both great political parties took great interest in it, and it was continually before the Senate or House, or committees of those bodies, in some form until July 2, 1890, when it was enacted into law. While the statute is radically different from the original bill introduced by Senator Sherman, it bears his name and is generally known as the Sherman law.

There has been much controversy concerning the authorship of this law. Mr. Albert H. Walker, a distinguished member of the New York bar, and author of the "History of the Sherman Law," after a full investigation, stated in a letter to the Senator from Minnesota [Mr. CLAPP], published in the CONGRESSIONAL RECORD, the result of his researches, a part of which I will read as a matter of history. It is as follows:

> That statute (meaning the present Sherman law) was drawn in the Judiciary Committee in the latter part of March and the first part of April, 1890. It was based on the bill which Senator Sherman introduced as Senate bill 1 early in December, 1889, but Senator Sherman took no part in framing the substitute, which was drawn by the Judiciary Committee. That committee was composed of Senators Edmunds, Ingalls, Hoar, Wilson of Iowa, Evarts, Coke, Vest, George, and Pugh. All of its members participated in the consideration of the framing of the statute as it was reported by the Judiciary Committee, which is the exact form in which it was enacted and was approved by President Harrison July 2, 1890. The eight sections of the statute were written by the following Senators in the following proportions: Senator Edmunds wrote all of sections 1, 2, 3, 5, and 6, except seven words in section 1, which seven words were written by Senator Evarts. Those are the words "in the form of trust or otherwise." Senator George wrote all of section 4; Senator Hoar wrote all of section 7, and Senator Ingalls was the author of section 8.

Mr. President, having given this brief history of the Sherman law and the public wrongs which it was intended to prohibit and punish, I will direct the attention of the Senators to what has been done toward enforcing it.

Although the criminal character of this law can not be mistaken or denied, the history of the litigation instituted and conducted under it shows that the incidental civil remedies provided for its enforcement have been ingeniously and artfully brought to the front and made to appear as the prominent and remedial part of the legislation to the neglect of the criminal penalties denounced. Indeed, the Department of Justice seemed to forget not only the criminal character but the very existence of the law. As a result of this construction and neglect during the period between 1890 and 1900 trusts and monopolies continued to increase in number and magnitude, and were extended to the control and monopolization of almost every article and branch of commerce.

Statutes were enacted by New Jersey and some other States providing for the incorporation of holding companies, which took the place of the original form of trusts. Organizing these combinations became a profitable business and engaged the attention of the great financiers and banking houses of the country. I was recently told by one of the counsel for the Government in the suit brought to dissolve the United States Steel Co. that a banking firm in New York received $120,000,000 of the stock of that corporation for services rendered in organizing it.

The law through all this period was practically a dead letter, and few suits were brought and prosecuted to enforce it. I have the number brought by the United States, showing how many were begun under each administration since the law was passed, which I believe to be reliable. It is as follows:

President Harrison's administration, 4 bills in equity and 3 indictments	7
President Cleveland's administration, 4 bills in equity, 2 indictments, and 2 informations for contempt	8
President McKinley's administration, 3 bills in equity	3
President Roosevelt's administration, 18 bills in equity, 25 indictments, and 1 forfeiture proceeding	44
President Taft's administration, 47 bills in equity, and 42 indictments	89
President Wilson's administration, 10 bills in equity and 8 indictments	18
Total suits and prosecutions brought previous to Dec. 1, 1913	171

The convictions in the criminal cases have been few, and I am informed these have been of inferior officers and agents.

The cases brought and prosecuted to final judgment in the Supreme Court of the United States against the Standard Oil Co. of New Jersey and the American Tobacco Co., of New Jersey, have attracted more attention than all the others. The court held in the Standard Oil case, Mr. Chief Justice White delivering the opinion, that the words and phrases "restraint of trade," "monopolization," and "attempt to monopolize commerce," found in the statute, there being nothing in the context to the contrary, must be presumed to have been used in their common-law sense, and when so interpreted the statute only applied to and prohibited contracts and combinations which unduly or unreasonably restrained trade. This con-

struction of the statute, although not necessary to the decision of this case, as the combination attacked in it was held to be vicious and unreasonable in the highest degree, is accepted as the final word concerning the meaning and prohibitory force of the law. It had been previously understood that all combinations which restrained trade or monopolized commerce to the prejudice of the public, whether reasonable or unreasonable, were under the common law against public policy and unlawful, but the holding in this case seems to be to the contrary. The practical application of the statute under this construction to criminal conspiracies and monopolies will be awaited with some interest.

The Standard Oil Co. in the form of a trust was in existence when the Sherman law was passed, and was referred to in the discussions in the Senate and House of Representatives as one of the monopolies to be suppressed by that act, but no proceeding was instituted against it until some time about 1908, and the suit in equity then brought was not decided until May, 1911. The American Tobacco Co. was proceeded against by bill in equity about the same time, and the case also finally decided by the Supreme Court of the United States in May, 1911. The individual defendants in these cases—7 in the Standard Oil Co. case and 29 in the American Tobacco Co. case—were not prosecuted, although it was found in each case that these defendants were the promoters, organizers, and beneficiaries of the combinations held to be violating the Sherman law.

President Taft, in a message to Congress December 5, 1911, speaking of the decrees in these cases, said:

We have been 21 years making this statute effective for the purpose for which it was enacted. The Knight case was discouraging and seemed to remit to the States the whole available power to attack and suppress the evils of the trusts. Slowly, however, the error of that judgment was corrected, and only in the last three or four years has the heavy hand of the law been laid upon the great illegal combinations that have exercised such an absolute dominion over many of our industries. Criminal prosecutions have been brought and a number are pending, but juries have felt averse to convicting for jail sentences and judges have been most reluctant to impose such sentences on men of respectable standing in society whose offense has been regarded as merely statutory. Still, as the offense becomes better understood, and the committing of it partakes more of studied and deliberate defiance of the law, we can be confident that juries will convict individuals and that jail sentences will be imposed.

In the Standard Oil Co. case the Supreme and Circuit Courts found the combination to be a monopoly of the interstate business of refining, transporting, and marketing petroleum and its products, effected and maintained through 37 different corporations, the stock of which was held by a New Jersey company. It, in effect, commanded the dissolution of this combination, directed the transfer and pro rata distribution by the New Jersey company of the stock held by it in the 37 corporations to and among its stockholders; and the corporations and individual defendants were enjoined from conspiring or combining to restore such monopoly; and all agreements between the subsidiary corporations tending to produce or bring about further violations of the act were enjoined.

In the Tobacco case the court found that the individual defendants, 29 in number, had been engaged in a successful effort to acquire complete dominion over the manufacture, sale, and distribution of tobacco in this country and abroad, and that this had been done by combinations made with a purpose and effect to stifle competition, control prices, and establish a monopoly, not only in the manufacture of tobacco, but also of tin foil and licorice used in its manufacture and of its products of cigars, cigarettes, and snuffs. The tobacco suit presented a far more complicated and difficult case than the Standard Oil suit, for a decree which could effectuate the will of the courts and end the violation of the statute. There was here no single holding company as in the Standard Oil Trust The main company was the American Tobacco Co., a manufacturing, selling, and holding company. The plan adopted to destroy the combination and restore competition involved the redivision of the capital and plants of the whole trust between some of the companies constituting the trust and new companies organized for the purpose of the decree and made parties to it, and numbering, new and old, 14.

The American Tobacco Co. (old), readjusted capital, $92,000,000; the Liggett & Meyers Tobacco Co. (new), capital, $67,000,000; the P. Lorillard Co. (new), capital, $47,000,000; and the R. J. Reynolds Tobacco Co. (old), capital, $7,525,000, are chiefly engaged in the manufacture and sale of chewing and smoking tobacco and cigars. The former one tin-foil company is divided into two, one of $825,000 capital and the other of $400,000. The one snuff company is divided into three companies, one with a capital of $15,000,000, another with a capital of $8,000,000, and a third with a capital of $8,000,000. The licorice companies are two, one with a capital of $5,758,300 and another with a capital of $2,000,000. There is also the British-American Tobacco Co., a British corporation, doing business abroad, with a capital of $26,000,000; the Porto Rican Tobacco Co., with a capital of $1,800,000; and the corporation of United Cigar Stores, with a capital of $9,000,000.

Under this arrangement each of the different kinds of business will be distributed between two or more companies, with a division of the prominent brands in the same tobacco products, so as to make competition not only possible but necessary. Thus the smoking-tobacco business of the country is divided so that the present independent companies have 21.39 per cent, while the American Tobacco Co. will have 33.08 per cent, the Liggett & Meyers Co. 20.05 per cent, the Lorillard Co. 22.82 per cent, and the Reynolds Co. 2.66 per cent. The stock of the other 13 companies, both preferred and common, has been taken from the defendant American Tobacco Co. and has been distributed among its stockholders. All covenants restricting competition have been declared null and further performance of them has been enjoined. The preferred stock of the different companies has now been given a voting power, which was denied it under the old organization. The ratio of the preferred stock to the common was as 78 to 40. This constitutes a very decided change in the character of the ownership and control of each company.

In the original suit there were 29 defendants who were charged with being the conspirators through whom the illegal combination acquired and exercised its unlawful dominion. Under the decree these defendants will hold amounts of stock in the various distributee companies ranging from 41 per cent as a maximum to 28½ per cent as a minimum, except in the case of one small company, the Porto Rican Tobacco Co., in which they will hold 45 per cent. The 29 individual defendants are enjoined for three years from buying any stock except from each other, and the group is thus prevented from extending its control during that period. All parties to the suit and the new companies who are made parties are enjoined perpetually from in any way effecting any combination between any of the companies in violation of the statute by way of resumption of the old trust. Each of the 14 companies is enjoined from acquiring stock in any of the others. All these companies are enjoined from having common directors or officers, or common buying or selling agents, or common officers, or lending money to each other.

Mr. President, the decree pronounced in the American Tobacco Co. case is an anomaly, a most remarkable anomaly, in equity practice, procedure, and judicature. I doubt whether anything approaching it can be found in the history of equity jurisprudence. It is difficult to understand upon what principle or authority the United States circuit court assumed and exercised the power to administer a monopoly held by the Supreme Court to have been organized and doing business, in violation of the criminal laws of the United States.

The Sherman law, section 4, under which the bill was filed, does not confer such authority. The jurisdiction there conferred upon the courts of the United States is "to prevent and restrain violations of the act," when proceedings are instituted for that purpose, by injunction or otherwise, and not to administer them. Courts of equity have no general inherent jurisdiction to protect and enforce the interests of parties growing out of unlawful contracts, conspiracies, and monopolies. The familiar maxim that "he who comes into equity must come with clean hands" appplies in such cases. The illegality of the transaction need not be pleaded, but the court will repel the guilty parties of its own motion when the unlawful character of the transaction appears in any way at any stage of the cause.

Mr. President, this decree was not a real and substantial dissolution of the American Tobacco Co. The court merely divided the monopoly among its several promoters and owners. A Cæsarean operation was performed upon the New Jersey corporation, the mother monopoly, and the nine subsidiary corporations which it had absorbed, and the new ones, begotten after the corporations had been declared to be unlawful, were brought forth and authorized to continue their business with the stamp of approval of the court upon them.

Mr. REED. They saved the offspring and the mother, too.

Mr. SHIELDS. Yes. They were all turned loose together to continue their operations, with the admonition that the mother should not again gather them together for a period of three years.

All the combined monopolistic corporations continued their same business. The stockholders of the American Tobacco Co. of New Jersey became stockholders in nearly all the other companies, and there was no real change in their interest by this new arrangement. Who can believe that there is any real competition between the stockholders of these several companies? They are all copartners with a common interest, working together with a perfect understanding for a common purpose.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Missouri?

Mr. SHIELDS. I do.

Mr. REED. I do not wish to interrupt the Senator, but to ask him if he does not think corporations in which there is a common stock ownership ranging as high as from 28 to 45 per cent, as shown in the decree he has read, are in fact all the time under one management?

Mr. SHIELDS. I do; and such is the substance of the decision of the Supreme Court in the case of the United States against the Union Pacific Railroad Co.

Mr. President, I do not make these comments upon this decree in criticism of the court, but to show that the only successful and efficient way to prohibit restraints of trade and monopolization of commerce is by criminal punishment of those who may be guilty of such unlawful conduct.

I can not conceive how anyone, with the decree pronounced in the American Tobacco Co. case before him, can have the fortitude to assert that a suit in equity is an efficient remedy to suppress and destroy conspiracies to monopolize commerce. This decree, to my mind, is a demonstration that this remedy is an absolute failure, and that the purpose of the law can never be accomplished through it. I hope that the bill we have under consideration will be so amended as to prohibit courts from administering monopolies for the benefit of monopolists, and will

require that all combinations adjudged to be unlawful be placed in the hands of receivers and dissolved.

Mr. President, in justification of this decree it was said, and may be said in regard to other combinations when decreed to be unlawful, that there were innocent stockholders who would suffer without the protecting care of the court. This may be true, but these comparatively small interests can not authorize the perpetuation of a monopoly or justify a miscarriage of justice. These small stockholders were charged with notice of the unlawful character of the combination when they purchased their stock, and they must take the consequences when it is condemned. The Sherman law and all the proceedings authorized under it concern the redress of public wrongs, and the penalties for violating the law can not be arrested to protect private interests.

Mr. President, what effect did the result in these cases have upon monopolies? Did they go out of business? No. The decrees pronounced had no terrors for them. They continued to flourish as if the Sherman law had never been passed.

Mr. Albert H. Walker, in a pamphlet published by him September 11, 1912, says:

Proceeding upon that working hypothesis, it is necessary to state at this place the existence of more than a thousand holding companies in the United States which, respectively, combine the operations of nearly 10,000 industrial corporations, being an average of nearly 10 subsidiary corporations confederated together under the control of each of the 1,000 holding companies.

During President Taft's administration actions have been prosecuted for violations of the Sherman law against a few of those holding organizations, including the United States Steel Corporation, the American Tobacco Co., the Standard Oil Co. of New Jersey, the American Sugar Refining Co., and the International Harvester Co., but more than a thousand other holding-company organizations of the same general character and mode of operation have been entirely undisturbed in their regular business of violating the Sherman law throughout the administration of President Taft. The following is a list of 50 of those undisturbed holding companies, which list includes their names, their capitalization, and an approximation of the number of the subsidiary corporations controlled by them, respectively.

Name of holding company.	Capitalization.	Subsidiaries.
Amalgamated Copper Co.	$155,000,000	12
American Smelting & Refining Co.	100,000,000	14
American Can Co.	88,000,000	73
American Woollen Co.	80,000,000	28
Central Leather Co.	80,000,000	14
Corn Products Refining Co.	80,000,000	7
United Copper Co.	80,000,000	2
United States Rubber Co.	75,000,000	14
United States Refining & Mining Co.	75,000,000	12
Pittsburg Coal Co.	64,000,000	16
American Car & Foundry Co.	60,000,000	19
Lackawanna Steel Co.	60,000,000	3
Virginia-Carolina Chemical Co.	58,000,000	6
National Biscuit Co.	55,000,000	5
Republic Iron & Steel Co.	55,000,000	57
Allis-Chalmers Co.	50,000,000	6
American Locomotive Co.	50,000,000	13
Crucible Steel Co. of America	50,000,000	15
National Lead Co.	50,000,000	19
Independent Fertilizer Co.	50,000,000	4
Pennsylvania Steel Co. of New Jersey	50,000,000	7
International Paper Co.	45,000,000	6
Copper Range Consolidated Co.	40,000,000	8
Intercontinental Rubber Co.	40,000,000	6
International Steam Pump Co.	39,000,000	11
American Hide & Leather Co.	35,000,000	25
American Cotton Oil Co.	35,000,000	17
Eastman Kodak Co.	35,000,000	9
American Linseed Co.	33,000,000	46
Distillers' Securities Corporation	32,000,000	7
General Asphalt Co.	31,000,000	69
Bethlehem Steel Corporation	30,000,000	8
Great Western Sugar Co.	30,000,000	8
International Salt Co.	30,000,000	4
National Enamel & Stamping Co.	30,000,000	6
United States Cast Iron Pipe & Foundry Co.	30,000,000	15
Singer Manufacturing Co.	30,000,000	4
Railway Steel Spring Co.	27,000,000	11
Union Bag & Paper Co.	27,000,000	8
General Chemical Co.	25,000,000	13
Pressed Steel Car Co.	25,000,000	8
United Fruit Co.	25,000,000	12
United Lead Co.	25,000,000	20
International Nickel Co.	24,000,000	7
American Writing Paper Co.	22,000,000	32
American Beet Sugar Co.	20,000,000	3
Union Typewriter Co.	20,000,000	7
Royal Baking Powder Co.	20,000,000	6
International Silver Co.	20,000,000	21
Sloss-Sheffield & Iron Co.	20,000,000	11

Mr. Walker continues:

The foregoing 50 holding companies have a capitalization of more than $2,300,000,000 and have more than 700 subsidiary corporations, the average number of their subsidiary corporations being more than 15 and their average capitalization being more than $46,000,000.

I can furnish a list of more than 950 other industrial holding companies which have an aggregate capitalization of more than $5,000,000,000, with more than 6,000 subsidiary corporations, but I will not expand this pamphlet enough to make it include that list, though I do not doubt that most of those holding companies and subsidiary corporations are regularly engaged in violating the Sherman law. But most of them are less extensively thus engaged than is each of the 50 holding companies, with their subsidiary corporations, which are specified in the foregoing list.

Mr. John Moody, editor of Moody's Magazine and compiler of Moody's Manual of Corporations, prepared a list of holding companies and other corporations violating the Sherman law in the summer of 1912, which was published in the Democratic campaign book of that year. This list contains some 300 in number, and gives the date when incorporated, the number of plants acquired and controlled, and the total outstanding capital of each corporation. An examination of it will be profitable to anyone interested.

Mr. BORAH. I understand that the Senator called attention to a list of some 300 corporations which were designated as trusts and combines in violation of the antitrust law.

Mr. SHIELDS. I did refer to such a list, published by Mr. John Moody and used by the Democratic Party in the campaign of 1912.

Mr. BORAH. How many of those 300 are still in existence?

Mr. SHIELDS. I have no evidence of over 30 of them having been brought to justice. From the public press and from the records of the Department of Justice I think some 25 or 30 have been suppressed since March 4, 1913. How many were suppressed in the latter part of the last administration I do not know.

Mr. BORAH. I did not ask my question from a partisan standpoint.

Mr. SHIELDS. I did not intend my reply to have that coloring. This is not a partisan matter.

Mr. BORAH. I asked it to illustrate a thought which I suggested the other day, namely, that what we need in these days is execution of the law rather than the making of more laws on this subject. There is not any doubt but that the execution of the law would destroy every one of those 300 monopolies if we had a mind to put the law into execution as we now have it. The difficulty arises out of a fear to execute the law rather than the fact that we have not sufficient laws to do the business.

Mr. SHIELDS. I believe we have sufficient law, but I think that some supplementary legislation will facilitate the enforcement of the Sherman law, and I am now insisting that that which it is proposed to enact shall be efficient for that purpose.

Mr. President, the facts I have stated are well known and have convinced the majority of our public men, and of the people of all classes and all parties, that the Sherman law should be supplemented by legislation prohibiting and penalizing the schemes and devices defined and described in sections 2, 4, 8, and 9 of the House bill, which it is conceded are commonly used and employed in forming and carrying on monopolies of commerce. This assertion is easily proved.

Senator Edmunds, the author of the sections containing the criminal provisions of the Sherman law, in an article in the North American Review, December, 1911, said:

It may be truly said that within the last 10 years, with one or two exceptions, the Department of Justice has been with ability and earnestness prosecuting on the equity side of the United States courts prominent cases of violations of the act in various parts of the country with much success, as also some criminal prosecutions; but so long as the penal provisions of the act remain generally in abeyance and the consequences of the violations of it fall entirely or chiefly upon the stockholders in corporations and the common funds of those interested in such enterprises, there is a great probability that the mischief will not be suppressed, and trustees, directors, and managers may grow rich, while stockholders and trusting investors, as well as great numbers of independent and fair traders grow poor.

President Taft, in his message to Congress December 11, 1911, which, it will be remembered, was after the Standard Oil Co. and American Tobacco Co. cases were decided, concerning the necessity of such supplementary legislation, said:

Much is said of the repeal of this statute and of constructive legislation intended to accomplish the purpose and blaze a clear path for honest merchants and business men to follow. It may be that such a plan will be evolved, but I submit that the discussions which have been brought out in recent days by the fear of the continued execution of the antitrust laws have produced nothing but glittering generalities, and have offered no line of distinction or rule of action as definite and as clear as that which the Supreme Court itself lays down in enforcing the statute.

I see no objection, and indeed I can see decided advantages, in the enactment of a law which shall describe and denounce methods of competition which are unfair and are badges of the unlawful purpose to suppress a competitor by underselling him at a price so unprofitable as to drive him out of business or the making of exclusive contracts with customers under which they are required to give up association with other manufacturers, and the numerous kindred methods for stifling competition and effecting monopoly should be described with sufficient accuracy in a criminal statute on the one hand to enable the Government to shorten its task by prosecuting single misdemeanors instead of an entire conspiracy, and, on the other hand, to serve the purpose of pointing out more in detail to the business community what must be avoided.

President Taft, while presiding in the United States Circuit Court of Appeals of the Sixth Circuit, heard many cases involving the construction and application of the Sherman law, and gave the matter careful attention while Chief Executive, and his views upon these questions are entitled to the highest respect.

The people, through their representatives in the great national conventions of the Democratic and Republican Parties, have declared for such legislation.

The Republican platform adopted at Chicago in 1912 contains a declaration in these words:

The Republican Party favors the enactment of legislation supplementary to the existing antitrust act which will define as criminal offenses those specific acts that uniformly mark attempts to restrain and to monopolize trade, to the end that those who honestly intend to obey the law may have a guide for their action, and that those who aim to violate the law may the more surely be punished.

A Federal trade commission was also favored in this platform.

This thoroughly committed the Republican Party to legislation penalizing the means commonly used in restricting trade and monopolizing commerce, evidently under the advice of President Taft in the message from which I have read.

The Democratic platform of 1904 contained a declaration in these words:

We demand a strict enforcement of existing civil and criminal statutes against all such trusts, combinations, and monopolies, and we demand the enactment of such further legislation as may be necessary to effectively suppress them.

Any trust or unlawful combination engaged in interstate commerce which is monopolizing any branch of business or production should not be permitted to transact business outside of the State of its origin. Whenever it shall be established in any court of competent jurisdiction that such monopolization exists, such prohibition should be enforced through comprehensive laws to be enacted on the subject.

The platform of this party adopted in 1908 said:

We therefore favor the vigorous enforcement of the criminal law against guilty trust magnates and officials, and demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States. Among the additional remedies we specify three: First, a law preventing a duplication of directors in competing corporations; second, a license system which will, without abridging the right of each State to create corporations or its right to regulate as it will the foreign corporations doing business within its limits, make it necessary for a manufacturing or trading corporation engaged in interstate commerce to take out a Federal license before it shall be permitted to control as much as 25 per cent of the products in which it deals, the license to protect the public from watered stock and to prohibit the control by such corporations of more than 50 per cent of the total amount of any product consumed in the United States; and, third, a law compelling such licensed corporations to sell all purchasers in all parts of the country on the same terms, after making the allowance for the cost of transportation.

The declaration in the Baltimore platform, 1912, is as follows:

We favor the declaration by law of the conditions upon which corporations shall be permitted to engage in interstate trade, including among others the prevention of holding companies, of interlocking directors, of stock watering, or discrimination in price, and the control by any one corporation of so large a proportion of any industry as to make it a menace to competitive conditions. * * *

This platform contains no declaration in favor of a trade commission of any kind.

President Wilson, in an earnest desire and determination to carry out the platform pledges of his party, and with a profound conviction of the necessity of legislation of this character, in a special message read by him to both Houses of Congress in joint assembly, January 20 last, in language clear, direct, and forceful, such as few men, if any, can command, the meaning of which is unmistakable, said:

Legislation has its atmosphere like everything else, and the atmosphere of accommodations and mutual understandings which we now breathe with so much refreshment is a matter of sincere congratulation. It ought to make our task very much less difficult and embarrassing than it would have been had we been obliged to continue to act amid the atmosphere of suspicion and antagonism which has so long made it impossible to approach such questions with dispassionate fairness. Constructive legislation, when successful, is always the embodiment of convincing experience, and of the mature public opinion which finally springs out of that experience. Legislation is a business of interpretation, not of origination; and it is now plain what the opinion is to which we must give effect in this matter. It is not a recent or hasty opinion. It springs out of the experience of a whole generation. It has clarified itself by long contest, and those who for a long time battled with it and sought to change it are now frankly and honorably yielding to it and seeking to conform their actions to it. * * *

The business of the country awaits also, has long awaited, and has suffered because it could not obtain further and more explicit legislative definition of the policy and meaning of the existing antitrust law. Nothing hampers business like uncertainty. Nothing daunts or discourages it like the necessity to take chances, to run the risk of falling under the condemnation of the law before it can make sure just what the law is.

I now come to the part of the message recommending the character of legislation I am favoring:

Surely we are sufficiently familiar with the actual processes and methods of monopoly and of the many hurtful restraints of trade to make definition possible, at any rate up to the limits of what experience has disclosed. These practices, being now abundantly disclosed, can be explicitly and item by item forbidden by statute in such terms as will practically eliminate uncertainty, the law itself and the penalty being made equally plain.

The President does not confine his recommendations to the creation of a trade commission, but advises that those acts and transactions which are the usual badges of monopoly be penalized, as proposed in sections 2 and 4 and 8 and 9 of the House bill. The House has followed the platform pledges of both parties and the advice of the President, and there is no good reason why the Senate should not do so.

Mr. President, there must be some wisdom in measures which all people believe to be good, favor, and demand be enacted into law.

But it is said that the provisions of these sections are too drastic and will, if enacted into law disturb business. I grant you they will disturb the business of monopolists. I hope they will, for that is my object in urging that they be enacted into law. It is what the people want done.

No fears of this kind are expressed by the small dealers. The consumers are not complaining. They are not alarmed at the probable disturbance of the business of the monopolists.

I will read further from Senator Edmunds's article in the North American Review on this subject. His familiarity with these matters and his ability justify my doing so. He says:

It is to be hoped and may be confidently expected that with a clear realization of the power and duty of those intrusted with the execution of the laws every one of the remedial clauses of the act—equity, injunctions, interdicts, and mandates, fines, forfeitures, and imprisonments—will be brought into full exercise without fear or favor. The evils are great and the remedies must be applied. But if it is said that in doing this the "business operations and interests" of the country will be disturbed and upset. Well? If the "business interests" of the great and wide-spread combinations, as now carried on, are crushing out smaller enterprises and monopolizing industries that should be fairly and equally open to all, and controlling and enhancing the prices of almost everything needed in every household, must suffer from the enforcement of equal laws necessary to the welfare of the whole people, it is the consequence of their evil doing and must be borne, and every honest and fair enterprise will survive for the good of all. Wealth and power justly used are beneficial to all. Capital is essential to the beginning and conduct of large enterprises, but it is absolutely useless without the cooperation of willing labor, while without it labor can have little employment and little compensation. Neither can prosper without the other. Coordination and cooperation and good will are equally necessary to both; without them neither socialism, nor the initiative, nor the referendum, nor the recall will help anybody except the "politician" and the "bosses" and the agitators who agitate for selfish ends, and of such there always have been and always will be plenty.

This, I think, disposes of the business-disturbance argument.

But it is said that the Federal trade commission furnishes a remedy for the wrongs denounced by these sections of the House bill. I do not think so. I hope that commission will be of service to the country, but I fear this hope will not be realized.

The jurisdiction of the commission is confined to "unfair competition" between dealers. It is merely a school of good manners for competitive dealers. It has no power to restrain or prohibit restraints of trade and monopolies prejudicial to consumers and the general public; this was conceded in the discussion of the bill in this Chamber. Therefore it can not punish the fraudulent transactions and conduct penalized by the House bill, which are all of that character. It does not provide for criminal penalties for offending parties. It has no effective power to do anything within itself. The only power given it is to bring a bill in equity in the Federal courts to enjoin the continuance of what it may declare to be "unfair competition."

Mr. REED. And, Mr. President, in the meantime, while these proceedings are going on the gentlemen who have been pursuing methods of unfair competition continue to realize profits.

Mr. SHIELDS. Certainly, the consumer, whom we are trying to protect, gets no benefit from this proceeding. His rights and wrongs are not provided for in that bill. The commission is for the benefit of dealers.

And if the offending party fails to obey the injunction and is arrested for contempt he will likely, under the provision of this bill, be entitled to a jury trial, and thus the proceeding be prolonged indefinitely by mistrials and continuances until all are tired out and the case is abandoned.

Mr. WALSH. Mr. President, possibly it was due to inattention, but I do not really understand the line of argument the Senator is now pursuing. What is the condition that the Senator has in mind where there might be several mistrials by reason of a disagreement of the jury?

Mr. SHIELDS. Conditions ordinarily attending jury trials. They are familiar to every lawyer.

Mr. WALSH. What kind of prosecution has the Senator in mind?

Mr. SHIELDS. A prosecution for contempt of court in violating an injunction.

Mr. WALSH. Oh, I understand.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. SHIELDS. I do.

Mr. CUMMINS. I should like to know whether I am right in this view of the matter: As I understand this bill, first, the violation of the injunction must be an act that is in and of itself a crime either against the laws of the United States or against one of the States. Unless it is a crime, the ancient remedy is not interfered with at all. Is not that true?

Mr. SHIELDS. I do not so understand the bill as it now stands.

Mr. CUMMINS. I think it is also true that the trial by jury for contempt does not apply in cases brought by the United States.

Mr. REED. A case for contempt would not be a case brought by the United States.

Mr. CUMMINS. Well, the United States enforces the antitrust law exclusively, so far as injunctions under it are concerned.

Mr. SHIELDS. I trust that the Senator will give attention to the provisions relating to injunctions when we reach those sections.

Mr. CUMMINS. I simply wanted to be sure that I was right, because I have a good deal of confidence in the views of the Senator from Tennessee.

Mr. NELSON. Mr. President, will the Senator from Tennessee yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Minnesota?

Mr. SHIELDS. I do.

Mr. NELSON. I desire to call the attention of the Senator from Tennessee, as well as the attention of the Senator from Iowa, to the fact that under the original antitrust act of 1890 only the Government, through its Attorney General and the district attorneys, can obtain injunctive relief. By section 14 of this bill for the first time the same remedy is given to private parties as was given to the Government under the antitrust laws. If that is the case, if private parties are to be given the same relief by injunctive process under the antitrust law as is the Government, why should not they have the same remedies in respect to contempt as the Government of the United States has under like circumstances?

Mr. SHIELDS. I think all parties should have the same protection from the courts of the country.

Mr. President, no law can be enforced without a certain and prompt remedy. Merely declaring a thing unlawful is a farce, so far as prohibiting the act is concerned unless a punishment is provided for those who do the prohibited thing.

Blackstone, in his Commentaries, says that all criminal laws must, to be efficient, provide certain and speedy punishment for those violating them, and the experience of all countries proves this to be true.

A justice of the peace in my State, exercising his common sense, unconsciously gave expression to this in a case before him in the days of slavery. Slaves were allowed to testify, first being admonished, as are children of tender age, concerning false swearing; the penalty for testifying falsely being, in the language of the old statute, "forty lashes save one, on the bare back, well laid on." A negro was called as a witness, and the squire proceeding to admonish and instruct him, asked if he knew the consequences of false swearing. He replied, "Yes; I will go to hell." The squire promptly said, "a devil of a sight worse than that; you'll get 39 lashes on your bare back before you leave here." The squire was evidently of the opinion that the fear of this certain and speedy punishment would be more effective in causing the negro to speak the truth than that of what might befall him in the unknown hereafter, and doubtless he reasoned well.

Whenever criminal penalties are provided for monopoly and the punishment made certain and speedy, those who promote and organize them will obey the law, and not until this is done, in my opinion, will monopoly be suppressed.

The Supreme Court of the United States, in a recent case, Nash against The United States, reported in Two hundred and twenty-ninth United States Reports, has held that the construction placed on the Sherman law in the Standard Oil Co. case, does not, because of uncertainty, affect its validity as a criminal statute; but since the guilt or innocence of a defendant must depend upon the reasonableness or unreasonableness of the restraint or monopoly with which he is charged, it will always be difficult, under the doctrine of reasonable doubt, to obtain a conviction. I believe all lawyers who have tried criminal cases will agree with me that for this reason the construction given the statute greatly weakens it as a criminal law. In my opinion it makes the enactment of other and further penal statutes an imperative necessity.

Mr. President, I wish now to briefly call attention to the provisions of the bill we have under consideration, in support of my statement that sections 2, 4, 8, and 9 of the bill as passed by the House are substantially the only ones containing any substantive law supplementing the Sherman antitrust law. I have already fully discussed those sections and will omit any reference to them here.

The bill as enacted by the House and reported to the Senate contains 23 sections.

Section 1 is devoted entirely to the definition of words and phrases used in the bill.

Section 3 prohibited the owners of mines, oil or gas wells, and plants for refining products of such mines and wells and for producing hydroelectric energy from refusing arbitrarily to sell the products of the same to any responsible party who may apply to purchase them for consumption or resale. This section is clearly vicious, and I believe an unconstitutional limitation of the liberty of contract, and was properly stricken out by the Committee on the Judiciary.

Section 5 is merely a reproduction of section 7 of the Sherman law, creating a civil action in favor of those injured by restraints of trade and monopolies.

Section 6 contains two paragraphs. The first provides that final decrees in suits brought in equity by the United States under the antitrust laws shall be prima facie evidence of the guilt of the defendant in civil actions brought by individuals against the same defendant for the same cause; and the second concerns the statute of limitations in such cases. These both affect the remedy and are good and wholesome provisions.

Section 7 is in these words:

> That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purpose of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations or the members thereof be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust law.

This section does not supplement the antitrust laws nor does it restrict them. It is really a reenactment of the present law concerning such organizations.

Mr. Justice Lamar in the case of Gompers *v.* The Buck Stove & Range Co. (221 U. S., 439), says:

> Society itself is an organization and does not object to organizations for social, religious, business, and all legal purposes. The law, therefore recognizes the right of workingmen to unite and to invite others to join their ranks, thereby making available the strength, influence, and power that comes from such association. By virtue of this right powerful labor unions have been organized.

There are other cases wherein the legality of such organizations is sustained in stronger and more explicit terms. I refer to the cases of State *v.* Stockford (77 Conn., 227), Snow *v.* Wheeler (113 Mass., 179), Beck *v.* Railway Teamsters' Protective Union (118 Mich., 497), Gray *v.* Trades Council (91 Minn., 171), Mayer *v.* Stonecutters' Association (47 N. J. eq., 519), Jacobs *v.* Cohen (183 N. Y., 207), and Cote *v.* Murphy (159 Pa. St., 420).

But as some doubt has arisen concerning the legality of these organizations, the Gompers case not being considered decisive, as the statement there made is perhaps dictum, it is well that the question be definitely settled by legislation, and for that reason this section should be enacted into law.

Section 8, in addition to prohibiting interlocking directorates of competitive corporations, contains a provision regulating the dealings of persons with corporations of which they are officers or agents, and will remedy a common abuse of the rights of stockholders, but it has no relation to the antitrust law which we propose to supplement.

Section 10 concerns the venue or the place where suits to enforce the antitrust laws against corporations may be brought and liberalizes the Sherman law to some extent upon this subject.

Section 11 authorizes witnesses in suits brought by the United States under the antitrust laws to be summoned in any district where found.

Section 12 enacts that all directors, officers, or agents of corporations who shall aid, command, or procure violations of the antitrust laws by the corporation shall be deemed guilty of a misdemeanor, and is merely a reenactment of the Sherman law, sections 1, 2, and 3. In other words, it has always been held that the officers of corporations violating the law were punishable under these sections, and several prosecutions have been conducted under them.

Section 13 authorizes suits to be brought by the United States in equity to restrain violations of this act in all things as authorized by section 4 of the Sherman law for violations of it.

Section 14 authorizes persons and corporations to bring suits in equity against those violating the antitrust laws in all things, as section 4 of the Sherman law authorizes the Government to do so. It provides a new remedy for persons and corporations against monopolies, and would be valuable but for the great expense and delay incident to this procedure.

The other nine sections of the bill contain nothing whatever relating to restraints of trade and monopolization of commerce, but concern granting injunctions by Federal courts and the punishment of contemnors. They are not germane to the legislation now under consideration and I will not now discuss them.

Mr. President, we have here a bill entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," but if sections 2 and 4 and the penal clauses of sections 8 and 9 are stricken out it will contain but two sections of substantive law supplementary of the Sherman law, and those two without, as I believe, an effective remedy to enforce them.

Will the people of this country accept this legislation as a fulfillment of the pledges of the great political parties, and of the declaration of Congress that it will remain in session until it enacts legislation supplementary of the Sherman law, that will effectually suppress and destroy the monopolies that have been preying upon the people for so many years? I ask this question of the Senators upon both sides of the Chamber. I want you to ask yourselves whether you believe a statute confined to making holding companies and interlocking directorates unlawful, without criminal penalties to enforce them, will meet the exigencies which call for further legislation to suppress monopoly.

Mr. REED. Mr. President, does not the Senator think it is a very close question whether those matters are not already prohibited by the Sherman law?

Mr. SHIELDS. I am coming to that direct question. It is answered by the court in the case of the United States against the Union Pacific Railroad Co. That was a case where one railroad company had purchased stock of a competing company sufficient to dominate and control it, and it was held that the transaction came within the prohibition of the Sherman law, and the combination thus formed enjoined and dissolved.

I read from the syllabus of that case:

The Union Pacific and Southern Pacific are competing systems of interstate railways, and their consolidation by the control of the latter by the former, through a dominating stock interest, does, as a matter of fact, abridge free competition, and is an illegal restraint of interstate trade under the Sherman law.

Interlocking directorates have also been held in other cases to be the means of monopolization of commerce, and therefore unlawful when used for that purpose.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Montana?

Mr. SHIELDS. I do.

Mr. WALSH. The statement made by the Senator a few moments ago—that practically nothing at all is accomplished to meet the promises of legislation supplementary to the Sherman Antitrust Act—naturally challenges the attention of the Senate. I wish to make an inquiry of the Senator.

The pending motion is to reconsider the vote by which sections 2 and 4 were stricken out. If that should be done and the sections as recommended by the committee should be adopted, would the Senator then feel that anything had been accomplished?

Mr. SHIELDS. I do not know that I follow the Senator.

Mr. WALSH. Sections 2 and 4 have now been eliminated from the bill, leaving, as I understand the Senator, nothing in the way of a redemption of the promise of supplementary legislation except——

Mr. SHIELDS. No; the Senator mistakes me. I said sections 8 and 9 were valuable provisions.

Mr. WALSH (continuing). Except sections 8 and 9, which, as I understand the Senator says, are perhaps already covered by the Sherman Antitrust Act. If the motion to reconsider prevails, then sections 2 and 4 will be before the Senate with the recommendations of the committee. Will the Senator then favor the adoption of the substitutes or the amendments offered by the committee?

Mr. SHIELDS. Does the Senator mean to inquire whether I would favor the retention in this bill of sections 2 and 4, as enacted by the House?

Mr. WALSH. No.

Mr. SHIELDS. That is what I want done.

Mr. WALSH. My question is, Would the Senator then be in favor of the recommendation of the committee that the penal provisions be stricken out and that enforcement be by the procedure described in section 9b?

Mr. SHIELDS. I think the bill would be greatly improved by retaining sections 2 and 4 without the criminal provisions, but I believe it would be immensely improved by retaining the penal clauses.

Mr. WALSH. But the Senator believes it would be a very decided advantage if they were restored with the provision of the bill in it now for the enforcement of those two sections?

Mr. SHIELDS. I certainly do. I am in favor of making it stronger in every possible way.

Mr. WALSH. The Senator knows, as a matter of course, that those of us who believe in the efficacy of section 5 of the trade commission bill will insist that everything that could be attained by this provision is already attained by section 5 of the trade commission bill.

Mr. SHIELDS. I do understand that.

Mr. WALSH. Then the Senator simply means that, in his judgment, nothing has been accomplished; but, in the judgment of the Senate, what he hopes to accomplish has been already accomplished by the trade commission bill.

Mr. SHIELDS. I have very little confidence in the efficacy of the trade commission, but as it is to become a law I hope the most sanguine anticipations of its friends may be realized.

Mr. WALSH. I recognize that. I recognize that the Senator was a very earnest antagonist of section 5 of the trade commission bill, and he expressed here upon the floor the view that it would be found inefficacious. We understand that the Senator takes that view; but I hope it will not be overlooked, in connection with the statement now made by the Senator, that little has been done to redeem the promises of the Democratic platform, that in the judgment of the Senate all that the Senator now hopes to accomplish by the restoration of sections 2 and 4, with the provisions of section 9b, has already been accomplished by the provisions of section 5 of the trade commission bill.

Mr. SHIELDS. The Senator has misunderstood what I said. I was speaking of the present bill. I do not care to reargue the trade commission bill.

Mr. WALSH. Then, if the Senator will pardon just a word more, what the Senator really means is that if it shall transpire that section 5 of the trade commission bill is utterly void or inefficacious, then nothing will have been done to improve the situation.

Mr. SHIELDS. No. I have said that this bill does contain some good legislation, but not what present conditions demand to supplement the Sherman law.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Missouri?

Mr. SHIELDS. I yield.

Mr. REED. Mr. President, I think the Senator from Montana is not quite accurate in his statement when he says that the Senate has determined that the trade commission bill does effect the remedies provided for in the Clayton bill.

Mr. WALSH. It is intended to cover the evils at which sections 2 and 4 are aimed.

Mr. REED. The Senate has never said any such thing, in my opinion. The Senate has never gone on record on that question, in my judgment. The Senate passed the trade commission bill for whatever purposes are embraced within that bill in the view and the opinion of the different men voting for it; but at the time that bill was passed, in the form in which it was passed, it was stated repeatedly upon the floor that it was to be followed by the Clayton bill, and that that bill had specific provisions in it; and instead of the Senate committing itself to the doctrine that the trade commission bill covered all of the evils and was the end of legislation, it was expressly understood that the bill was to be followed by the Clayton bill. So men might have voted for the trade commission bill in the best of faith, believing it to be a high remedial bill, and yet have fully intended to follow it with other legislation.

Mr. WALSH. Mr. President, I trust we shall not get into confusion about this matter. I trust the Senator does not desire to have the Senate understand him, nor to have the country understand him, as meaning that when the trade commission bill was passed those who favored it did not believe that they were making a provision to take care of local price cutting, denounced by section 2, and tying-in contracts, denounced by section 4 of this act.

Mr. REED. I mean to say just this: There were Senators, undoubtedly, who believed that the trade commission bill would take care of those practices. There were Senators, undoubtedly, who did not believe that it would take care of those practices. The Senate has never determined that the trade commission bill took care of any particular practice. It was construed here by a great many Senators, and there were as many constructions as there were constructionists. I am not

charging that anyone in this body is not acting in the best of faith; but I challenge the statement, and I do it kindly and respectfully, that the trade commission bill was passed to take care of the propositions embraced in sections 2 and 4. In the opinion of some Senators it will take care of them, but the Senate has never committed itself to that doctrine, and if it has—if the Senate has committed itself to the doctrine that the trade commission bill takes care of all the evils there—why are we discussing this bill? Why not strike out all of these sections and leave it simply on the question of injunction, which is another and different subject?

Mr. WALSH. Mr. President, there is a perfect answer to that. Nobody has ever contended that section 5 of the trade commission bill reaches the evils denounced by sections 8 and 9. They do not refer to competition at all.

Mr. THOMPSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Kansas?

Mr. SHIELDS. I do.

Mr. THOMPSON. If the Senator will yield for just a moment, I should like to get an understanding of his view. I understand that the Senator favors sections 2 and 4 as originally passed by the House?

Mr. SHIELDS. I do.

Mr. THOMPSON. I should like to have the Senator state whether, in his judgment, as a legal proposition, if those sections are retained, will that tend to limit the power of the trade commission under section 5?

Mr. SHIELDS. I do not think so. I can not see how it can have that effect. If there is any doubt upon the subject, there can be inserted in this bill a saving provision. I do not wish it to have that effect. I wish the trade commission to be as effective as possible.

Mr. THOMPSON. The Senator thinks it desirable to have a clause, though, expressly saving that effect?

Mr. SHIELDS. A saving clause might be advisable as a matter of prudence, but I do not think it is necessary.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Texas?

Mr. SHIELDS. I do.

Mr. CULBERSON. Does the Senator believe that section 5 of the trade commission bill, which denounces unfair competition, covers the two practices denounced in sections 2 and 4 of this bill?

Mr. SHIELDS. I do not. That is my judgment as a lawyer, and I so said when we discussed that section.

Mr. WALSH. I understood the Senator at the time to claim that it did not cover anything; that section 5 of the trade commission bill has no significance at all; that it does not cover any practices.

Mr. SHIELDS. The Senator from Montana certainly understood me correctly. I do not think it will cover any of the practices prohibited by the provisions of the House bill.

Mr. WALSH. I simply did not intend that any misapprehension should be gathered from the answer made to the question addressed to the Senator from Tennessee by the Senator from Texas.

Mr. SHIELDS. I do not think there was any danger of misapprehension. I hope the Senator understands me.

Mr. CULBERSON. The Senator, then, does not believe that tying contracts, or exclusive contracts and discriminations in prices, denounced by these two sections of the bill, amount to unfair competition? I mean sections 2 and 4.

Mr. SHIELDS. I think they go further. I think they are restraints of trade and means of monopolization of commerce.

Mr. CULBERSON. They are unfair competition.

Mr. SHIELDS. The trouble with the Senator is he forgets the argument made by a number of Senators, including myself, that the language of section 5 confines the operations of the commission to trades-mark cases.

I should like to see these sections placed in that bill if they are to be left out of this, for the practices denounced are most pernicious and oppressive and ought to be condemned and prohibited in terms the meaning of which there can be no doubt.

Mr. President, I think I have shown that penal legislation of the character contained in sections 2, 4, 8, and 9 of the House bill is favored and approved by the great majority of the people of this country, and that it is necessary to supplement and facilitate the enforcement of the Sherman antitrust law.

The common sense and advantages of such legislation, it seems to me, must be obvious to every lawyer who is familiar with the schemes of monopolists and the litigation of the United States instituted to restrain and punish them. Specific offenses of this kind can be defined with precision, and the facts be discovered and proven with more certainty, and less expense and delay, than can be done in cases of completed conspiracies and monopolies covered and concealed by ingenious devices and complicated details. Penalize these badges of monopoly and they will not grow, fructify, and ripen into full-grown monopolies.

I believe the penalties provided in the sections we are discussing for constituent elements of monopoly are sufficient for those offenses, but I also believe that the Sherman law ought to be amended so as to make those who promote, organize, and carry on monopolies, guilty of felony, punishable by imprisonment not exceeding 10 years nor less than 1 year, and fine not exceeding $25,000 nor less than $1,000, or both, in the discretion of the court. If we place such penal laws as these upon the statute books and the Department of Justice will vigorously enforce them, it can restrain and suppress monopolies of trade and commerce, a thing it has wholly failed to do under present laws and the procedure that has been followed for their enforcement.

Mr. President, I am unable to see any good reason why the Senate should fail to agree with the House in these matters. The causes which led to the enactment of the Sherman law exist to-day. The causes for supplementing that law, when the people in their political platforms declared for penal legislation for that purpose, and when the President advised Congress to enact it, exist to-day. There has been no change in conditions, and, so far as I am informed, none in public opinion of the necessity of this legislation. I was informed to-day by a Senator in the Chamber that the Standard Oil Co. is now engaged, in the Middle Western States, in price cutting, a scheme which it has long pursued to destroy competitors and monopolize commerce of communities and States. And we all know that monopolists have not hesitated, while the whole world is suffering from the effects of the most destructive and distressing war in the annals of history, to lay their rapacious hands upon foodstuffs and the common necessities of life for speculative purposes. We should not fear to disturb this sort of business.

We all condemn private monopoly, and I believe every Senator in this Chamber earnestly desires to enact a law that will supplement the Sherman law and facilitate its enforcement. Our only differences are those concerning the best means of doing this. I accord to everyone the right to his views upon this question, and claiming the same right for myself I have here expressed the views I entertain concerning this legislation.

Mr. President, it is not necessary for me to consume time in dwelling on the evils of private monopolies. We all agree that they are, in any and all forms, incompatible with the rights, liberties, and institutions of a free people, and inevitably result in oppression, distress, and poverty of the masses. But I will ask the indulgence of the Senate while I read what Senator George, of Mississippi, said of monopolies when the Sherman antitrust bill was being discussed:

"These trusts and combinations are great wrongs to the people. They have invaded many of the most important branches of business. They operate with a double-edged sword. They increase beyond reason the cost of the necessaries of life and business and they decrease the cost of the raw material, the farm products of the country. They regulate prices at their will, depress the price of what they buy, and increase the price of what they sell. They aggregate to themselves great enormous wealth by extortion, which makes the people poor. Then making this extorted wealth the means of further extortion from their unfortunate victims, the people of the United States, they pursue unmolested, unrestrained by law, their ceaseless round of peculation under the law, till they are fast producing that condition of our people in which the great mass of them are servitors of those who have this aggregated wealth at their command."

Senator Edmunds also said:

"The expansion of business of every sort and the dangerous combinations that have attempted—in many instances too successfully—to absorb the business of the country into their own hands, to crush out fair and useful competition, and to dominate and monopolize the industries and trade of the Republic have been so great that the result is the unnatural and unequal distribution of wealth and power which the experience of centuries has shown to be among the great evils that affect civilization and true progress."

Mr. President, all persons and all political parties agree "that private monopoly is indefensible and intolerable," and that penal punishment of those promoting, organizing, and operating them is necessary to suppress and prevent them, and I believe Congress should not longer hesitate to enact laws providing for certain and prompt punishment of that character. The necessity for it exists, and the time for it has come.

During the delivery of Mr. SHIELDS's speech,

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Missouri for that purpose?

Mr. SHIELDS. I do.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fletcher	Lea, Tenn.	Sheppard
Borah	Gallinger	Lee, Md.	Shields
Brady	Gore	Lewis	Smith, Md.
Bryan	Gronna	McCumber	Smoot
Chamberlain	Hollis	Martin, Va.	Sterling
Chilton	Hughes	Martine, N. J.	Swanson
Clapp	James	Overman	Thomas
Culberson	Johnson	Perkins	Thompson
Cummins	Jones	Pittman	Thornton
Dillingham	Kenyon	Reed	Walsh
Fall	Lane	Shafroth	White

Mr. LEWIS. Mr. President, I address the Chair to record for the RECORD that Senator SMITH, of Georgia; Senator RANSDELL, of Louisiana; and Senator VARDAMAN, of Mississippi, have been invited by the Secretary of the Treasury to participate in a conference touching the cotton States, and are present with the Secretary of the Treasury, which accounts for their absence at this time.

The PRESIDING OFFICER. Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absentees, and Mr. ASHURST and Mr. POINDEXTER answered to their names when called.

Mr. KERN, Mr. HITCHCOCK, and Mr. SHIVELY entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to their names. A quorum is present. The Senator from Tennessee will proceed.

After the conclusion of Mr. SHIELDS's speech,

Mr. THOMPSON. Mr. President, the objects of the trust bills under consideration, briefly stated, are to prohibit and make unlawful certain unfair practices which ordinarily, when considered separately, might not constitute a violation of existing laws; to strengthen the Sherman antitrust law; to prevent the formation of trusts and monopolies by disarming their promoters in the outset; and to prohibit overcapitalization of corporations. Among the particular practices made unlawful are unfair and oppressive competition exercised for the purpose of injuring or destroying the business of competitors, holding companies, interlocking directorates, and the overissue of securities by common carriers. The officers and directors of corporations are made personally liable for the unlawful acts of the corporation on the theory that they after all are the real perpetrators of the offenses against the law and consequently should suffer directly the penalty of the law. Another important feature of the legislation is the exemption of labor and farmer organizations from the operation of the antitrust laws in order to avoid the embarrassment occasioned by some of the decisions of the courts on this question, which I discussed a few days ago.

The trust question is one of the most difficult problems ever presented to Congress for solution. The trust is the greatest menace to individual effort ever conceived by man. The idea was created by men whose wealth had already reached proportions beyond the dreams of avarice, but whose greed was unsatisfied unless they practically controlled all of the production of the country and every business enterprise engaged in by their fellow men. The trust wave swept over the country like a terrible cyclone, causing greater loss and destruction of property accumulated by individual effort than all of the storms and cyclones that have occurred since the flood. Men who had devoted a lifetime to a particular trade or business found themselves bankrupt in a single night and, what was really worse, left in an entirely helpless condition, where further individual effort along their chosen line of employment brought no returns. The greatest period of trust formation and activity occupied the decade between the years 1898 and 1908. The business men of the country during this period seemed to be corporation mad. The principal business of lawyers was to organize corporations, and as soon as organized to throw as many corporations into one concern as could be induced to enter a combination in order to create the greatest monopoly possible in the particular business engaged in or attempted to be controlled.

During this time I was living in the oil and gas section of my State and witnessed that great development in southeastern Kansas. Almost every person owning as much as 40 acres of land formed a corporation with a capital stock of about $1,000,000 and began at once to sell $1 shares of stock in his company at about 10 cents per share. If he finally got money enough together to drill a well and happened to strike oil or gas, his stock immediately went up to par, and a $2,500 oil or gas well raised in value in the owner's mind to a million dollars. The result was that nearly every individual operator failed and the Standard Oil Co., as usual in such cases, came along and purchased all of the wrecked properties for a mere song, reaping the benefits of all the individual labor and money spent in prospecting and obtained and still retain almost complete control of the field. Thousands of corporations were formed everywhere over the United States at the rate of about 20,000 each year. The growth was so rapid that, according to the number of returns made to the Internal Revenue Commissioner in 1909, the number reached the enormous figure of 262,490 and gradually increased since that time until in 1912, when 305,336 corporations rendered returns for that year representing a capital stock of $61,738,227,730.54 and bonded and other indebtedness of $34,749,516,353.63 and an aggregate net income of $3,832,150,410.92. The increase in capital stock in 1912 over 1911 is shown to have been $1,671,088,805.12, while the amount of bonded and other indebtedness shows an increase of $2,585,978,392.23. The net income reported shows an increase in that single year of $618,443,163.10. (See 1913 Annual Report of Commissioner of Internal Revenue, p. 12.) About 8,000 of the 305,336 corporations have a capital stock of $1,000,000 or more and about 600 combinations of corporations, or what are commonly called "trusts," were organized from these corporations. As corporations are combinations of individuals, trusts are generally combinations of corporations, so that many industries may be carried on under one general management.

I have spent considerable time and labor trying to ascertain with some degree of accuracy the number of trusts and large combinations of corporations organized to date, and I am able to furnish a list of most of them, which I have endeavored to make as complete as possible. Of course in the preparation of any list of trusts much must necessarily depend upon the definition or understanding of the term "trust." Several different definitions have been employed by various writers on this subject:

(a) Definitions based on size alone; for example, all concerns having a capital of more than $1,000,000 or $5,000,000 or $10,000,000 are sometimes regarded as trusts.

(b) Definitions based on degree of control of industries; for example, it has been held that a concern is a trust if it controls half the products of an industry, or by others if it controls 60 per cent or 40 per cent or 30 per cent.

(c) The presence to a substantial degree of this control has been held by many writers to be the determining factor justifying the term "trust." According to this idea, any concern is a trust which, by virtue of its control of raw materials or its production of a large portion of the output in a given industry, or by other means, is able to control prices.

The best definition I have been able to find, however, and specially applicable to the subject under consideration, is given by Mr. Bryan W. Holt on page 288 of the World Almanac for 1913, following a list of 294 principal trusts of the United States given by him as corrected to November, 1912. The definition is as follows:

> Trust, as properly understood, means a consolidation, combine, pool, or agreement of two or more natural competing concerns which establishes a limited monopoly, local, national, or international, with power to fix prices or rates in any industry or group of industries.

Mr. John Moody, in his exhaustive work on The Truth About the Trusts, published in 1904, gives a list of trusts created up to that time, numbering 445, with a total floating capital of $20,379,162,511, and showing 8,664 independent plants acquired or controlled. He divides these trusts into six different classes, as follows:

	Number of plants acquired or controlled.	Total capitalization (stocks and bonds outstanding).
7 greater industrial trusts	1,528	$2,662,752,100
298 lesser industrial trusts	3,426	4,055,039,433
13 industrial trusts in process of reorganization or readjustment	334	528,551,000
Total of all industrial trusts	5,288	7,246,342,533
111 franchise trusts	1,336	3,735,456,071
6 great steam railroad groups	790	9,017,086,907
10 "allied independent" steam railroad systems	250	380,277,000
Total of all franchise and transportation trusts	2,376	13,132,819,978
Grand total of all trusts, industrial, franchise, transportation, etc.	8,664	20,379,162,511

The seven greater industrial trusts embrace the Amalgamated Copper Co., American Smelting & Refining Co., American Sugar Refining Co., Consolidated Tobacco Co., International Mercantile Marine Co., Standard Oil Co., and United States Steel Corporation, which I have enumerated separately in the list I have prepared.

The six great steam-railroad groups and the 10 "allied independent" steam-railroad systems acquiring or controlling 1.040 independent railroads, with a total capitalization of $9.397,363.907, I have itemized separately under the head of "Railroad systems."

Mr. Moody also shows the shrinkage in 100 of the industries, copied from the Wall Street Journal of October 26, 1903 (pp. 479–482 of his work). The shrinkage in value of stocks in these 100 concerns alone is shown to be $1,753,959,793, an amount more than sufficient to pay the entire national debt of the United States.

As I have stated, the seven greater industrial trusts in 1904 were represented by the aggregate of outstanding stocks and bonds reaching the enormous total of $2,662,752,100. Of this amount over one-half, or about $1,370,000,000, is included in the capitalization of the United States Steel Corporation and its subsidiary corporations. These greater industries have all been organized since 1898 with one exception—the Sugar Trust—and all are incorporated under the New Jersey laws. These seven great combinations alone represent an aggregate consolidation of over 1,500 different plants or business concerns.

The list which I have been able to prepare, after much thorough research, gives 628 trusts, with a total capitalization of $24,775,723,599, embracing in all 9,877 original companies. Therefore showing a wiping out by the trusts to this date of about 10,000 independent business concerns.

I here present the list and ask that it be made a part of my remarks.

The VICE PRESIDENT. Without objection, that may be done.

The list referred to is as follows:

List of principal trusts formed in the United States.

Name of trust.	Date incorporated.	Number of plants acquired or controlled.	Total capital (outstanding stocks and bonds).
Acker, Merrall & Condit Co	1903	8	$8,500,000
Acme Harvester Co	1902	2	2,500,000
Adams, American, United States, and Wells Fargo Express Cos. (closely affiliated)	1854 to 1856	10	60,000,000
Adirondack Electric Power Corporation	1911	8	17,000,000
Aeolian Weber Piano & Pianola Co. (piano trust)	1903	13	9,978,200
Alabama & Georgia Iron Co	1899	2	1,300,000
Alabama Consolidated Coal & Iron Co	1899	5	5,490,000
Alabama Consolidated Steel & Iron Co	1912	10	45,000,000
Alaska-Peninsula Packing Co	1903	About 12	2,750,000
Albany & Hudson R. R. Co	1903	8	3,620,000
Allegheny Steel Co	1905	4	3,500,000
Allis Chalmers Co. (the machinery trust)	1901	6	48,188,000
Alpha Portland Cement Co	1910	8	10,000,000
Aluminum Co. of America	1907	8	25,000,000
Amalgamated Copper Co. (the copper trust)	1899	18	198,000,000
Amalgamated Sugar Co. (3 western beet-sugar companies)	1902	4	2,551,000
American & British Manufacturing Co	1902	2	10,500,000
American Agricultural Chemical Co. (the fertilizer trust)	1899	45	47,000,000
American Alkali Co	1899	.....	30,000,000
American Automatic Weighing Machine Co	1899	5	1,350,000
American Axe & Tool Co	1899	3	1,936,250
American Barrel & Package Corporation	1902	3	5,000,000
American Beet Sugar Co. (5,000 tons daily)	1899	8	20,911,000
American Bicycle Co	1899	.....	39,500,000
American Book Co. (schoolbook combine)	1907	.....	7,000,000
American Bottle Co	1905	5	8,000,000
American Box & Lumber Co	1902	4	500,000
American Brake Shoe & Foundry Co. (the brake-shoe trust)	1902	12	8,380,000
American Brass Co. (brass-goods trust; largest consumer of copper in United States)	1903	12	15,000,000
American Butter Co	1902	4	1,000,000
American Can Co. (tin-can trust; 80 per cent of United States output)	1901	40	82,466,600
American Car & Foundry Co. (carbuilders' trust)	1899	54	60,000,000
American Caramel Co. (caramel trust)	1898	5	2,344,000
American Cement Co. (cement trust)	1899	6	2,650,000
American Chicle Co. (chewing-gum trust; 85 per cent of chewing gum of United States)	1899	7	9,000,000
American Coal Co	1893	2	1,500,000
American Coal Products Co	1903	40	162,300,000
American Colortype Co	1902	4	3,100,000
American Cotton Co	1896	8	9,000,000
American Cotton Oil Co. (cotton-oil trust)	1889	60	35,435,700
American Dyewood Co. (United States and foreign companies)	1904	4	2,144,000
American Felt Co. (felt trust)	1911	6	3,606,600
American Fork & Hoe Co. (farming-tool trust; controls 90 per cent of output)	1910	13	6,194,400
American Fruit Products Co. (cider vinegar, etc.)	1902	15	2,750,000
American Gas Co	1892	13	$4,257,500
American Ginning Co	1899	2	5,000,000
American Glue Co. (glue trust)	1906	13	2,800,000
American Graphophone Co. (phonograph trust)	1887	5	6,203,850
American Grass Twine Co. (grass-twine trust)	1899	8	13,083,000
American Hardware Corporation	1902	5	9,920,000
American Hide & Leather Co. (upper-leather trust)	1899	21	29,948,400
American Hominy Co. (hominy trust)	1902	10	4,068,500
American Ice Co. (ice trust)	1899	About 40	42,508,000
American Ice Securities Co	1905	45	21,835,580
American Iron & Steel Manufacturing Co. (bolts and nuts)	1899	5	5,500,000
American La France Fire Engine Co	1904	6	2,828,700
American Laundry Machine Co	1909	6	7,226,062
American Light & Traction Co. (and allied properties)	1901	10	50,000,000
American Linseed Co. (the linseed-oil trust; 85 per cent United States product)	1898	30	33,760,698
American Lithographic Co	1896	9	5,770,710
American Locomotive Co. (locomotive trust)	1901	12	57,892,000
American Lumber Co	1901	3	5,100,000
American Machine & Ordnance Co	1902	2	10,000,000
American Malting Co. (malting trust)	1897	80	24,000,000
American Malt Corporation	1906	13	17,234,657
American Metal Co. (Ltd.)	1887	6	3,500,000
American Milling Co. (cattle feed, etc.)	1909	5	3,850,000
American Molasses Co	1902	.....	3,000,000
American Mutoscope & Biograph Co	1895	5	2,200,000
American Oak Leather Co	1881	3	4,832,800
American Packers' Association	1902	00	2,000,000
American Pastry & Manufacturing Co	1899	4	1,300,000
American Piano Co	1908	3	7,019,700
American Pipe & Construction Co	1889	18	6,700,000
American Plow Co	1899	.....	75,000,000
American Pneumatic Service Co. (pneumatic tube trust)	1899	28	20,469,125
American Radiator Co. (steam radiator trust, 75 per cent in United States)	1899	12	9,765,000
American Railways Co	1900	18	11,350,000
American Refractories Co	1902	50	20,000,000
American Rolling Mill Co	1899	3	6,000,000
American Saddlery & Harness Co	1903	11	9,000,000
American School Furniture Co. (school furniture trust)	1899	22	10,430,100
American Screw Co	1880	2	3,000,000
American Seating Co. (church and school furniture)	1906	10	3,370,000
American Seeding Machine Co. (seeding machine trust)	1906	10	7,500,000
American Sewer Pipe Co. (sewer pipe trust, 85 per cent in United States)	1900	34	8,303,500
American Shipbuilding Co. (Great Lakes shipbuilding trust)	1899	9	15,500,000
American Silver & Casket Co	1900	.....	500,000
American Shot & Lead Co	1890	8	3,000,000
American Smelting & Refining Co. and subsidiaries (the smelting trust)	1899	124	100,000,000
American Smelter & Securities Co. (controlled by American Smelting & Refining Co.)	1905	18	92,000,000
American Snuff Co	1900	10	23,000,000
American Soda Fountain Co	1911	4	1,250,000
American Steel Foundries Co	1902	12	23,522,200
American Stove Co. (gas stove trust)	1901	9	5,500,000
American Sugar Refining Co. (the sugar trust)	1891	70	90,000,000
American Talking Scale Co	1903	2	1,000,000
American (Bell) Telephone & Telegraph Co. (parent and subcompanies, telephone trust)	.....	36	391,826,500
American Thread Co. (thread trust)	1898	13	16,890,475
American Tobacco Co. and subsidiaries	1904	180	97,962,300
American Trona Corporation (controls California Trona Co., manufacturers of chemicals, etc.)	1913	1	12,500,000
American Tube & Stamping Co	1899	2	3,800,000
American Type Founders Co. (type founders trust)	1892	38	7,900,000
American Union Electric Co	1902	6	5,200,000
American Vulcanized Fiber Co	1901	2	3,249,800
American Waltham Watch Co	1854	2	4,000,000
American Window Glass Co	1899	.....	16,310,808
American Window Glass Machine Co. (85 per cent United States product controlled)	1903	25	22,604,588
American Witch Hazel Corporation	1902	.....	4,000,000
American Woodworking Machinery Co	1901	11	1,850,000
American Woolen Co. (woolen trust)	1899	32	64,000,000
American Wringer Co	1891	4	1,750,000
American Writing Paper Co. (writing paper trust)	1899	30	35,904,000
Ames Shovel & Tool Co	1901	7	5,000,000
Anglo-American Gypsum Co	1902	.....	7,500,000
Ansco Co. (camera films, etc.)	1907	8	1,738,354
Anthony & Scoville Co	1901	4	2,500,000
Appleton (D.) & Co	1900	3	3,000,000
Armour & Co. and subsidiaries (beef packers)	1900	10	50,000,000
Artificial Lumber Co. of America	1899	.....	12,000,000
Associated Merchants Co. (dry-goods trust)	1901	6	16,299,900
Associated Oil Co. of California	1901	10	53,533,000
Atlantic Coast Lumber Corporation	1903	10	5,000,000
Atlantic Fruit & Steamship Co	1911	7	10,000,000
Atlantic Rubber Shoe Co	1901	8	10,000,000
Atlantic Terra Cotta Co. (largest in the world)	1907	5	3,140,200
Atlas Portland Cement Co	1899	2	10,000,000
Automatic Electric Co	1908	3	5,549,000
Automatic Weighing Machine Co	1902	3	3,600,000
Antosales Gum & Chocolate Co	1911	30	10,005,300
Baldwin Locomotive Works	1911	4	50,000,000
Baltimore Brick Co	1902	22	4,000,000
Bamberger-Delamar Gold Mines Co	1902	7	5,000,000
Barnhart Bros. & Spindler (controlled by American Founders' Co.)	1911	4	3,000,000

List of principal trusts formed in the United States—Continued.

Name of trust.	Date incorporated.	Number of plants acquired or controlled.	Total capital (outstanding stocks and bonds).
Beatrice Creamery Co. of Iowa (34,000,000 pounds of butter)	1905	8	$3,500,000
Beaver Valley Traction Co	1891	8	2,150,000
Bethlehem Steel Corporation	1904	12	56,061,533
Bigelow Carpet Co	1899	2	4,455,000
Bingham Consolidated Mining & Smelting Co	1901	4	10,000,000
Binghamton Railway Co	1901	5	1,627,000
Birmingham Ry., Light & Power Co	1901	5	12,000,000
Bishop-Babcock-Becker Co. (faucets, etc.)	1911	5	74,485,000
Bliss (E. W.) Co. (dies, presses, etc.)	1892	5	3,249,300
Block Light Co. (gas mantles, etc.)	1905	8	1,800,000
Bon Air Coal & Iron Co	1902	3	5,335,000
Booth (A.) & Co	1898	5	5,500,000
Booth Fisheries Co	1909	7	11,000,000
Borax Consolidated (Ltd.)	.....	20	12,000,000
Borden's Condensed Milk Co. (condensed milk trust)	1899	7	28,750,000
Boston & Worcester Electric Co	1901	4	5,232,500
Boston Elevated Railway Co. (and affiliated properties)	1897	9	68,708,250
Boston-Suburban Electric Co	1901	8	9,252,650
Brill (J. G.) Co. (8 electric and steam car companies)	1906	5	9,980,000
British Columbia Packers' Association	1902	46	4,000,000
Brooklyn Rapid Transit Co	1896	About 40	170,000,000
Brooklyn Union Gas Co	1895	14	35,000,000
Brunswick-Balke-Collender Co	1907	4	11,940,000
Bucyrus Co. (steam shovels, dredges, etc.)	1911	4	8,000,000
Buffalo Gas Co	1899	4	7,900,000
Bush Terminal Co	1902	16	10,500,000
Butterick Co. (paper pattern trust)	1902	6	12,000,000
California & Hawaiian Sugar Refining Co	1899	2	5,396,000
California Fruit Canners' Association (fruit canning trust)	1899	.....	2,891,600
California Gas & Electric Corporation	1901	8	27,000,000
California Wine Association (controls California trade)	1894	25	7,665,460
Cambria Steel Co	1898	12	47,000,000
Capital Traction Co	1895	2	13,080,000
Carbonate Co	1902	2	1,200,000
Carpenter-O'Brien Co. (controls Burton-Swartz Cypress Co.)	1913	1	6,129,000
Casein Co. of America (milk-sugar trust)	1900	6	6,487,000
Celluloid Co	1890	8	5,925,000
Central Coal & Coke Co	1893	8	9,406,000
Central Fireworks Co	1896	9	2,674,000
Central Foundry Co. (soil-pipe trust—95 per cent soil-pipe output)	1911	14	9,200,000
Central Leather Co. (70 per cent tanneries, etc., in United States)	1905	40	112,062,080
Central Stamping Co	1896	2	485,200
Central Petroleum Co. (operations controlled by the Texas Co.)	1913	23	6,900,000
Champion Coated Paper Co	1902	3	3,600,000
Champion International Co	1902	2	950,000
Charleston Consolidated Railway, Gas & Electric Co	1899	6	4,000,000
Chartered Co. of Lower California	1902	7	14,000,000
Chemical Co. of America	1902	.....	5,000,000
Chicago Edison Co	1887	5	18,000,000
Chicago Pneumatic Tool Co. (pneumatic-tool trust)	1901	12	8,102,894
Chicago Railway Equipment Co. (over 225 patents)	1892	8	2,480,500
Chicago Union Traction Co	1899	12	111,127,000
Chile Copper Co. (owns entire outstanding stock of Chile Exploration Co.)	1913	1	95,000,000
Cincinnati Gas & Electric Co	1901	5	29,300,000
Cincinnati Traction System	1901	6	20,000,000
Clarksburg Fuel Co	1901	10	5,500,000
Cleveland & Sandusky Brewing Co	1898	12	10,323,500
Cleveland & Southwestern Traction Co	1902	7	7,010,000
Cleveland-Akron Bag Co	1903	5	2,000,000
Cleveland-Cliffs Iron Co	1891	4	7,500,000
Cleveland Electric Railway Co	1893	* 5	29,776,000
Coats (J. & P.) Ltd. (four cotton thread companies in United States and foreign)	1890	4	57,500,000
Colonial Sugars Co	1902	3	4,930,000
Colorado Fuel & Iron Co. (coal and iron mines, coke ovens, railroads, etc.)	1892	10	82,279,500
Colorado Industrial Co. (controlled by Colorado Fuel & Iron Co.)	1903	.....	33,621,000
Columbus (Ohio) Ry. & Light Co	1903	6	14,538,000
Commercial Cable Co. (and affiliated companies)	.....	8	55,000,000
Compressed Air Co	1900	5	8,500,000
Computing Scale Co. of America (computing-scale trust)	1901	5	3,274,000
Computing-Tabulating-Recording Co	1911	9	17,446,000
Connecticut Railway & Lighting Co	1899	15	24,857,700
Consolidated Car Heating Co	1889	3	1,250,000
Consolidated Coal Co	1906	13	3,624,100
Consolidated Copper Mines Co	1913	2	4,114,380
Consolidated Cross Tie Co	1902	2	10,000,000
Consolidated Gas Co. of Baltimore	1888	3	19,000,000
Consolidated Gas Co. of New York (and affiliated properties)	1884	27	150,338,391
Consolidated Grocers of America	1903	.....	1,500,000
Consolidated Indiana Coal Co	1905	8	6,172,600
Consolidated Lake Superior Co	1897	16	117,000,000
Consolidated Liquid Air Co	1902	.....	1,000,000
Consolidated Match Co	1902	.....	10,000,000
Consolidated Mercury Gold Mines Co	1900	2	2,000,000
Consolidated Naval Stores Co. (largest in the world)	1902	8	3,315,300
Consolidated Nevada-Utah Co. (reorganization of bankrupt Nevada-Utah Mines & Smelting Corporation)	1913	5	4,696,000
Consolidated Ry. & Power Co. of Salt Lake City	1901	4	5,870,000
Consolidated Railway Lighting & Refrigerating Co	1901	10	$20,000,000
Consolidated Rosendale Cement Co	1901	6	2,600,000
Consolidated Rubber Tire Co	1899	4	8,000,000
Consolidated Telephone Co. of Buffalo	1901	16	6,500,000
Consolidated Tobacco Co., and affiliated corporations (the tobacco trust)	1901	150	502,915,700
Consolidated Wagon & Machine Co	1901	2	1,225,000
Continental Coal Co	1902	4	6,250,000
Continental Coal Corporation	1911	11	6,000,000
Continental Cotton Oil Co. (plants in four States)	1899	7	3,321,681
Continental Gin Co	1899	7	2,204,000
Continental Railway Equipment Co	1902	3	3,400,000
Corn Products Co	1902	20	71,642,800
Corn Products Refining Co	1906	22	89,139,546
Corporation of United Cigar Stores	1909	700	12,001,000
Coxe Brothers & Co. (Inc.)	1882	2	3,230,500
Crane's Nest Co	1902	2	20,000,000
Crocker-Wheeler Co	1903	3	22,200,000
Crucible Steel Co. of America (95 per cent)	1900	19	49,578,400
Cuban-American Sugar Co	1906	9	24,404,400
Cuba Co	1900	3	8,000,000
Cudahy Packing Co	1887	5	16,538,000
Cumberland Coal & Coke Co	1899	2	3,300,000
Cuyahoga Wire & Fence Co	1902	2	1,550,000
Dallas Electric Corporation	1902	4	7,580,000
Danville, Urbana & Champaign Ry	1902	4	4,075,000
Daylight Glass Manufacturing Co	1902	2	3,625,000
Dayton Breweries Co	1904	7	4,701,250
Deere & Co. (cultivators, etc.)	1911	22	51,426,300
Denver & Northwestern Railway	1899	7	19,380,000
Detroit United Railway	1900	15	32,785,000
Development Co. of America	1901	5	4,000,000
Diamond Match Co. (match trust)	1899	20	18,000,000
Diamond Rubber Co	1905	3	10,000,000
Distillers' Securities Corporation (whisky trust)	1902	95	46,347,034
Duluth-Superior Traction Co	1900	4	7,350,000
Du Pont de Nemours Powder Co	1903	50	61,370,796
Du Pont International Powder Co	1903	40	50,000,000
Eastern Milling & Export Co	1900	.....	4,000,000
Eastern Ohio Traction Co	1902	4	4,152,000
Eastern Steel Co	1903	4	8,280,000
Eastman Kodak Co. (world trust)	1901	20	25,751,900
Edison Electric Illinois Co. of Boston	1881	8	11,000,000
Electric Boat Co	1899	7	8,347,100
Electric Co. of America	1899	13	21,000,000
Electric Storage Battery Co	1888	12	16,249,425
Electric Properties Corporation (owns entire capital stock of Westinghouse, Church, Kerr & Co.)	1913	1	7,920,000
Electric Vehicle Co	1897	4	2,475,000
Elkhorn Mining Corporation (coal lands in West Virginia)	1913	2	5,625,000
Elliott-Fisher Co. (book typewriters)	1903	5	9,400,000
Empire Steel & Iron Co	1899	19	3,754,000
Fairmont Coal Co	1901	5	18,000,000
Farmers' Cooperative Exchange	1902	.....	50,000,000
Fay (J. A.) & Egan Co	1893	2	2,500,000
Federal Chemical Co	1901	2	4,000,000
Federal Lead Co	1900	12	5,000,000
Federal Manufacturing Co	1899	7	3,387,500
Federal Sugar Refining Co	1907	3	12,500,000
Federal Telephone Co. (Cleveland, Ohio)	1889	35	30,000,000
Fireproofing Co	1899	5	2,000,000
Fisheries Co	1900	10	3,500,000
Four States Coal & Coke Co	1910	3	9,680,000
Freeport & Tampico Fuel Oil Corporation	1914	2	5,000,000
Fremont County Sugar Co	1902	2	6,000,000
Garland Corporation	1906	15	3,967,000
General Asphalt Co. (asphalt trust)	1903	69	25,511,730
General Baking Co. (bread, etc.)	1911	20	12,225,000
General Chemical Co. (chemical trust)	1899	30	21,658,900
General Electric Co. and subsidiaries (electric supplies trust)	1892	30	80,141,200
General Fire Extinguisher Co	1892	6	5,000,000
General Motors Co	1908	27	44,217,830
General Railway Signal Co	1904	3	5,592,000
General Rubber Goods Co. (controlled by United States Rubber Co.)	1904	2	14,000,000
Georgia Railway & Electric Co	1902	5	17,688,600
Giant Portland Cement Co	1913	7	2,000,000
Gilchrist Transportation Co	1897	8	10,000,000
Gold Car Heating & Lighting Co	1902	2	1,000,000
Goodrich (B. F.) Co	1912	5	16,000,000
Gottlieb-Bauernschmidt-Strauss Brewing Co	1901	8	14,135,000
Great Lakes Coal Co	1902	5	7,123,000
Great Lakes Dredge & Dock Co	1905	5	3,600,000
Great Lakes Towing Co. (many towing and wrecking companies)	1899	.....	3,627,850
Great Northern Iron Ore Properties	1906	10	150,000,000
Great Northern Paper Co	1899	5	11,010,000
Great Western Cereal Co	1901	9	3,259,500
Great Western Sugar Co. (9 Colorado beet-sugar companies)	1905	12	24,174,000
Greene Consolidated Copper Co	1899	4	7,200,000
Guffey (J. M.) Petroleum Co	1901	8	19,000,000
Hale & Kilburn Co	1911	4	9,000,000
Harbison-Walker Refractories Co. (fire-brick trust)	1902	36	28,885,000
Hartford Carpet Corporation	1901	2	5,000,000
Hawaiian Securities Co	1902	.....	12,000,000
Herring-Hall-Marvin Safe Co	1905	4	1,400,000
Heywood Bros. & Wakefield Co. (rattan trust)	1897	3	6,000,000
Hilton-Dodge Lumber Co	1911	9	13,378,000
Hoster-Columbus Associated Breweries	1904	4	9,249,000
Houston Oil Co	1901	4	36,000,000
Hudson River Water Power Co	1899	4	7,000,000

List of principal trusts formed in the United States—Continued.

Name of trust.	Date incorporated.	Number of plants acquired or controlled.	Total capital (outstanding stocks and bonds).
Hudson Valley Railway Co	1901	7	$6,750,000
Huebner-Toledo United Breweries Co	1905	3	4,818,000
Huntington Syndicate (California electric railways, etc.)		25	55,000,000
Hydraulic Press Brick Co	1830	14	10,420,000
Illinois Brick Co	1900	18	4,400,000
Illinois Coal & Coke Co	1902		12,000,000
Independent Breweries Co. (capacity 260,000 barrels)	1907	10	14,715,000
Independent Brewing Co. of Pittsburgh	1905	16	11,934,100
Indiana Union Traction Co	1903	10	23,300,000
Indianapolis & Cincinnati Traction Co	1903	3	5,100,000
Indianapolis Traction & Terminal Co	1902	4	23,000,000
Ingersoll-Rand Co. (steam and air drills in United States and Canada)	1905	6	11,118,625
Interborough Rapid Transit Co. (including Manhattan Elevated Co.)	1902	5	127,000,000
Intercontinental Rubber Co. (Mexican and African plantations)	1903	8	30,281,000
International Agricultural Corporation (fertilizer companies)	1909	15	20,849,200
International Barrel Co	1902		20,000,000
International Cotton Mills Corporation (controls 40 brands)	1910	18	15,485,695
International Fire Engine Co	1839	12	9,000,000
International Harvester Co. (Harvester Trust—plants in United States, Canada, and Europe)	1902	33	140,000,000
International Merchant Marine Co. (122 steamers, etc.—the shipping trust	1893		179,740,018
International Nickel Co. (nickel trust)	1902		23,970,405
International Paper Co. (paper trust—1,700 tons of print paper per day)	1898	24	57,511,500
International Power Co. (compressed air trust)	1899		5,647,000
International Pulp Co	1893	4	5,000,000
International Salt Co. (salt trust)	1901		26,323,000
International Shoe Co. (daily capacity, 69,000 pairs)	1911	20	21,000,000
International Silver Co. (silverware trust)	1898	19	11,979,951
International Smelting & Refining Co	1908	6	10,000,000
International Steam Pump Co. (steam pump trust, 90 per cent of all)	1899	12	42,220,553
International Telephone Co. of America	1902	3	15,000,000
International Time Recording Co	1900	5	2,140,000
International Tin Co	1902		20,000,000
International Traction Co. of Buffalo	1899	17	45,621,500
Interstate Railways Co. (and controlled properties)	1902	27	16,887,000
Inter-State Telephone Co. of New Jersey	1901	15	4,000,000
Johns (H. W.) Manville Co	1901	2	3,000,000
Jones & Laughlins Steel Co	1902	9	54,487,000
Kansas City Breweries Co. (338,332 barrels in 1911)	1905	3	6,129,000
Kansas City Railway & Light Co	1903	16	45,118,883
Kentucky Coal, Lumber, Iron & Oil Co	1902		10,000,000
Keystone Coal & Coke Co	1902	8	7,550,000
Keystone Watch Case Co. (9,000 cases, 3,000 movements a day)	1899	7	6,000,000
Kings County Electric Light & Power Co	1890	3	17,500,000
Kirby Lumber Co. (300,000,000 feet daily capacity)	1901	13	10,270,000
Knickerbocker Ice Co. (about all ice plants in Chicago)	1885	125	11,300,000
La Belle Iron Works (steel pipe, nails, etc)	1875	4	12,079,900
Lackawanna Coal & Lumber Co	1910	15	27,000,000
Lackawanna Steel Co. (furnaces, mines in six States)	1902	7	76,786,000
Lake Shore Electric Ry	1901	4	12,364,000
Lake Superior Corporation (mills, mines, etc.)	1904	12	56,947,000
Lancaster County Railway & Light Co	1901	9	6,350,000
Lehigh Coal & Navigation Co. (4,515,906 tons of coal in 1911)	1822		47,983,283
Lehigh Valley Coal Co. (9,021,206 tons anthracite coal in 1911)	1871	17	14,761,000
Lehigh Valley Traction Co	1833	15	13,900,000
London-Arizona Consolidated Copper Co	1913	4	4,600,000
Louisville Traction Co	1903	7	21,000,000
Lynchburg Traction & Light Co	1901	6	1,530,000
Macbeth-Evans Glass Co. (chimney companies)	1899	4	2,229,500
Magnus Metal Co	1899	5	3,000,000
Manchester Traction, Light & Power Co	1901	5	3,465,000
Manning, Maxwell & Moore (steam gauges, etc.)	1905	5	5,000,000
Manufacturers' Light & Heat Co	1899	3	5,500,000
Massachusetts Breweries Co. (10 Boston breweries)	1900	10	6,532,000
Massachusetts Gas Cos	1902	8	51,000,000
Massachusetts Electric Cos	1899	67	69,531,600
Mergenthaler Linotype Co. (plants in foreign countries, also)	1895	3	12,797,800
Metropolitan Securities Co. (and controlled properties)	1902	30	224,441,000
Milwaukee & Chicago Breweries Co	1891	6	9,084,000
Milwaukee Electric Railway & Light Co	1896	3	21,250,000
Mississippi Glass Co. (controls Mississippi Wire Glass Co.)	1904	5	3,928,500
Mississippi Wire Glass Co	1901	5	1,500,000
Mohawk Valley Steel & Wire Co	1902		60,000,000
Moline Plow Co	1870	4	9,000,000
Morris & Co. (beef-packing plants, etc.)	1903	5	15,100,000
Nashville Ry. & Light Co	1903	8	12,000,000
National Biscuit Co. (cracker trust, 45 plants and 260 selling agencies)	1898	45	54,040,500
National Bread Co	1901		3,000,000
National Candy Co. (candy trust, 7,000,000 pounds annually)	1902	20	7,993,900
National Carbon Co. (carbon trust, all in United States and three-fourths in world)	1899	8	10,000,000
National Car Wheel Co. (car wheel trust)	1903	4	2,443,000

List of principal trusts formed in the United States—Continued.

Name of trust.	Date incorporated.	Number of plants acquired or controlled.	Total capital (outstanding stocks and bonds).
National Casket Co	1890	3	$4,034,300
National Creamery Co	1902		18,000,000
National Enameling & Stamping Co. (stamped ware trust)	1899	15	27,666,400
National Fibre & Cellulose Co	1902		10,000,000
National Fireproofing Co. (terra cotta trust)	1899	30	13,621,800
National Glass Co. (glassware trust)	1899	19	5,500,000
National Grocer Co	1902		5,500,000
National Lead Co. (the lead trust)	1891	18	45,023,000
National Licorice Co	1902	5	1,500,000
National Novelty Corporation (toy trust)	1902	18	11,250,000
National Packing Co. (meat packers in United States and England)	1903	10	15,201,000
National Rice Milling Co	1892	3	1,500,000
National Roofing & Corrugating Co	1900	8	5,000,000
National Saw Co. (plants in 3 States)	1890	4	1,000,000
National Silk Dyeing Co. (plants in Pennsylvania, New Jersey, and Switzerland)	1908	8	7,367,300
National Steel & Wire Co	1901	6	10,000,000
National Sugar Refining Co. (10 per cent of business in United States)	1900	4	20,000,000
National Wall Paper Co	1892		35,079,600
New England Brick Co	1900	37	5,750,000
New England Consolidated Ice Co	1902		17,000,000
New England Cotton Yarn Co. (cotton yarn trust)	1899	9	17,230,000
New Hampshire Traction Co	1901	17	7,850,000
New Jersey Zinc Co. (plants in New Jersey and Pennsylvania)	1880	3	14,000,000
New Orleans Railways Co	1902	12	57,000,000
New River Co. (holds stocks of coal-mining companies)	1906	27	22,712,200
New York & Queens County Ry	1896	6	6,300,000
New York Air Brake Co	1893	2	8,012,500
New York Dock Co	1901	20	28,230,000
Niles-Bement Pond Co. (tool works in many States)	1899	10	10,500,000
Norfolk, Portsmouth & Newport News Co	1902	15	16,000,000
North American Co. (electric light and railways, including controlled properties)		30	80,000,000
North American Portland Cement Co	1905		10,000,000
North Star Mines Co	1899	10	2,500,000
Northern Commercial Co	1901	4	5,180,000
Northern Ohio Traction & Light Co	1902	4	13,250,000
Northern Texas Traction Co	1901	5	4,500,000
Oakland Transit Consolidated	1902	14	11,500,000
Ohio & Indiana Consolidated Natural & Illuminating Gas Co	1899	5	16,250,000
Ohio Grocery Co	1903	25	11,250,000
Omaha & Council Bluffs Street Ry	1901	6	19,000,000
Otis Elevator Co. (elevator trust)	1898	9	16,333,000
Pacific Coast Biscuit Co	1899	9	2,087,500
Pacific Coast Borax Co	1899	4	1,900,000
Pacific Packing & Navigation Co	1902	16	26,500,000
Pacific Starch Co	1901	2	500,000
Parker Cotton Mills Co	1911	16	11,785,800
Penn-American Plate Glass Co	1900	2	2,800,000
Pennsylvania & Mahoning Valley Ry	1902	5	10,750,000
Pennsylvania Central Brewing Co	1897	13	7,850,000
Pennsylvania Coal & Coke Co	1903	3	24,000,000
Pennsylvania Steel Co	1901	12	51,989,800
People's Brewing Co. of Trenton	1899	4	3,300,000
People's Gas Light & Coke Co. of Chicago	1897	13	67,465,000
People's Pure Milk Co	1903		25,000,000
Philadelphia Co. of Pittsburgh	1884	40	100,000,000
Philadelphia Electric Co	1889	17	55,000,000
Philadelphia Rapid Transit Co	1902	40	117,538,000
Pierce-Butler & Pierce Manufacturing Co. (heating apparatus)	1886	4	2,856,700
Pioneer Pole & Shaft Co. (50 per cent all in United States)	1911	9	3,312,450
Pittsburgh Brewing Co. (capacity 1,500,000 barrels)	1899	16	18,381,350
Pittsburgh Coal Co (output 17,000,000 tons of coal)	1899	200	83,836,120
Pittsburgh Plate Glass Co	1883	9	22,570,800
Pittsburgh Steel Co (billets, rods, nails, etc.)	1901	6	17,500,000
Pittsburgh Stove & Range Co	1899	9	2,000,000
Pittsburgh Valve Foundry & Construction Co	1900	6	1,150,000
Planters Compress Co	1900	3	10,000,000
Pneumatic Signal Co	1902	3	3,000,000
Pocahontas Consolidated Collieries Co	1907	11	12,894,700
Pocahontas Collieries Co	1902	3	5,750,000
Pope Manufacturing Co. (7 bicycle and auto companies)	1908	7	7,500,000
Pratt Consolidated Coal Co. (3,000,000 tons, Alabama)	1904	9	7,247,000
Pressed Steel Car Co. (controls industry)	1899	5	13,075,000
Procter & Gamble Co. (soap, candles, glycerin, etc.)	1905	16	14,250,000
Public Service Corporation of New Jersey	1903	70	176,222,000
Public Works Co. of Bangor, Me	1896	4	1,531,000
Pueblo & Suburban Traction & Lighting Co	1902	6	7,550,000
Pullman Co. (palace car trust), (owns 5,936 cars)	1867	6	120,000,000
Pure Oil Co	1895	15	10,000,000
Quaker Oats Co. (three or four leading cereal companies—cereal trust)	1901	9	14,000,000
Railroad systems:			
The great steam railroad groups—			
Vanderbilt group		[1]132	1,169,196,132
Pennsylvania R. R. group		[1]280	1,822,402,235
Morgan group		[1]225	2,265,116,350
Gould-Rockefeller group		[1]109	1,368,877,540
Harriman-Kuhn-Loeb group		[1]85	1,321,243,711
Moore group		[1]91	1,070,250,939

[1] About

List of principal trusts formed in the United States—Continued.

Name of trust.	Date incorporated.	Number of plants acquired or controlled.	Total capital (outstanding stocks and bonds).
Railroad system—Continued.			
"Allied independent" steam railroad systems—Boston & Maine system, New York, New Haven & Hartford system, Pere Marquette system, Delaware & Hudson system, Buffalo, Rochester & Pittsburgh system, New York, Ontario & Western system, Wisconsin Central R. R. system, Chicago Great Western Ry. system, Minneapolis & St. Louis Ry. system, Cincinnati, Hamilton & Dayton system	.....	[1]250	$330,277,000
Railway Steel Spring Co. (leading companies in United States)	1902	15	34,172,000
Republic Iron & Steel Co	1899	45	76,242,787
Rhode Island Co	1902	12	41,819,000
Richmond Light & R. R. Co. of Staten Island	1902	4	5,200,000
Rochester Optical & Camera Co	1899	6	3,500,000
Rochester Ry. Co	1895	5	9,575,000
Rocky Mountain Paper Co	1900	2	1,350,000
Rogers, Wm. A. (Ltd.)	1901	6	1,500,000
Rogers-Brown Iron Co. (iron and coal lands, etc.)	1900	5	13,855,000
Royal Baking Powder Co. (baking powder trust)	1899	5	20,000,000
Rubber Goods Manufacturing Co. (rubber goods trust)	1899	17	24,993,100
Rumley (M.) Co. (thrashers, etc., third largest in United States)	1887	4	19,000,000
St. Louis & Suburban Ry	1902	5	9,400,000
St. Louis Breweries Co	1899	10	13,548,600
St. Louis Transit Co	1901	35	76,000,000
Savannah Electric Co	1901	6	6,096,000
Schuylkill Traction Co	1892	9	2,750,000
Seacoast Canning Co	1902	9	2,000,000
Seattle Electric Co	1900	16	18,000,000
Sen-Sen Chiclet Co	1900	7	6,597,000
Sherwin-Williams Co	1902	11	3,500,000
Shults Bread Co. (12 bakeries in and near New York)	1910	12	9,399,000
Silversmiths Co. (owns Gorham, Whiting, and 2 other companies)	1892	4	9,900,000
Singer Manufacturing Co. (80 per cent world's output sewing machines)	1863	.....	60,000,000
Sloss-Sheffield Steel & Iron Co. (400,000 tons pig iron; plants in Alabama)	1899	4	20,700,000
Solvay Process Co	1881	4	19,000,000
Somerset Coal Co	1901	14	8,000,000
South Porto Rican Sugar Co. (cane sugar, etc.)	1900	5	7,770,500
Southern Car & Foundry Co	1899	.....	3,500,000
Southern Iron & Steel Co. (bob-wire nails, etc.)	1900	4	25,964,998
Southern Textile Co	1903	.....	14,000,000
Springfield (Mass.) Breweries Co. (controls trade in western Massachusetts)	1899	4	3,125,000
Springfield (Ill.) Coal Mining Co	1902	5	9,900,000
Standard Chain Co	1900	13	1,239,571
Standard Milling Co. (flour milling trust)	1900	17	14,381,000
Standard Oil Co. (oil trust)	1882	200	98,338,382
Standard Oil Cloth Co	1907	7	6,300,000
Standard Roller Bearing Co	1901	12	4,227,000
Standard Rope & Twine Co. (rope and twine trust)	1895	21	21,551,300
Standard Sanitary Manufacturing Co. (plumbing supplies trust)	1899	10	9,232,000
Standard Screw Co	1900	8	5,010,000
Standard Shoe Machinery Co	1899	.....	5,000,000
Standard Table Oil Cloth Co. (oilcloth trust)	1901	7	8,000,000
Standard Underground Cable Co	1889	4	3,500,000
Standard Wall Paper Co	1903	2	1,250,000
Stillwell-Bierce & Smith-Vaile Co	1892	2	1,400,000
Street's Western Stable Car Line	1885	3	6,402,000
Stromberg-Carlson Telephone Manufacturing Co	1902	3	3,000,000
Studebaker Corporation	1911	4	51,500,000
Suffolk Leather Manufacturing Co	1903	.....	50,000,000
Sullivan Machine Co. (manufacturers of drills, coal cutters, etc., works in Chicago and Claremont, N. H.)	1913	.....	4,000,000
Sulzberger Sons Co	1910	5	40,145,000
Sunday Creek Co	1905	10	7,672,200
Susquehanna Iron & Steel Co	1899	9	1,800,000
Swift & Co. (meat packers, etc.)	1885	5	80,000,000
Syracuse Rapid Transit Ry	1896	5	8,090,000
Temple Iron Co	1873	8	20,000,000
Tennessee Coal, Iron & R. R. Co	1860	7	23,049,600
Terre Haute Electric Co	1902	7	5,600,000
Texas & Pacific Coal Co	1888	3	2,500,000
Texas Co	1902	5	42,000,000
Textile-Finishing Machinery Co. (65 per cent of all)	1902	4	1,170,000
Tide Water Steel Co	1899	2	2,100,000
Toledo Railways & Light Co	1901	12	23,000,000
Torrington Co. (plants in United States and England—machinery, etc.)	1898	5	4,000,000
Trenton Potteries Trust (and affiliated corporations)	1903	45	50,000,000
Trenton Potteries Co	1892	5	3,411,570
Union Bag & Paper Co. (paper bag trust, 25,000,000 bags per day)	1889	10	30,111,000
Union Carbide Co	1898	7	6,500,000
Union Iron & Steel Co	1899	5	2,000,000
Union Lead & Oil Co	1900	.....	15,000,000
Union Mills	1901	4	2,500,000
Union Stock Yards of Omaha	1883	5	8,196,300
Union Switch & Signal Co	1882	2	2,000,000
Union Typewriter Co. (typewriter trust)	1893	7	21,305,000
Union Waxed & Parchment Paper Co	1900	11	$3,200,000
United Box Board & Paper Co. (box board trust)	1902	26	27,436,500
United Box Board Co	1903	29	14,000,000
United Breweries Co. (one-sixth of business in Chicago)	1893	11	6,157,500
United Button Co. (button trust)	1900	3	2,332,600
United Cigar Manufacturing Co. (400,000,000 cigars yearly)	1906	23	20,538,000
United Coal Co. (third largest in Pennsylvania)	1902	10	13,693,000
United Copper Co	1902	6	50,000,000
United Dry Goods Co. (and subsidiaries)	1909	12	25,174,900
United Electric Light & Power Co. of Baltimore	1899	4	6,500,000
United Engineering & Foundry Co. (rolling mill manufacturers)	1901	7	6,600,000
United Fruit Co. (fruit trust)	1899	16	38,014,700
United Gas & Electric Co. of New York (and controlled properties)	1901	10	7,000,000
United Gas Improvement Co. (and controlled properties)	1871	40	100,000,000
United Iron & Steel Co	1899	5	2,000,000
United Mattress Machinery Co	.....	5	600,000
United Railways & Electric Co. of Baltimore	1899	15	70,186,000
United Railways & Investment Co. of San Francisco	1902	8	45,000,000
United Shoe Machinery Co. (shoe machinery trust)	1905	15	38,114,834
United States Bobbin & Shuttle Co. (90 per cent of United States output)	1899	7	1,651,000
United States Cast Iron Pipe & Foundry Co. (cast iron pipe trust—75 per cent United States output)	1899	17	25,100,687
United States Coal & Oil Co	1895	3	6,000,000
United States Cotton Duck Corporation (cotton duck trust)	1901	21	26,000,000
United States Cotton Manufacturing Co	1903	.....	40,000,000
United States Envelope Co. (paper-envelope trust)	1898	11	6,403,000
United States Finishing Co. (print goods trust)	1904	8	9,040,000
United States Glass Co	1891	10	3,590,600
United States Gypsum Co. (gypsum trust)	1901	37	8,464,000
United States Light & Heating Co	1908	4	15,103,150
United States Leather Co. (leather trust)	1893	25	130,444,600
United States Lithograph Co	1901	7	9,000,000
United States Lumber Co	1901	3	6,540,000
United States Metal Products Co	1911	10	7,000,000
United States Motor Co	1908	10	29,684,483
United States Paving Co	1900	3	2,000,000
United States Playing Card Co	1894	4	3,600,000
United States Printing Co. of Ohio (controlled by United States Printing Co. of New Jersey)	1891	5	1,500,000
United States Printing Co	1891	4	3,376,300
United States Printing Co. of New Jersey	1904	6	825,100
United States Realty & Construction Co. (realty trust)	1902	7	66,000,000
United States Reduction & Refining Co	1901	7	12,514,600
United States Rubber Co. (rubber-shoe trust)	1892	22	93,500,000
United States Shipbuilding Co (shipbuilding trust)	1902	9	79,851,000
United States Standard Voting Machine Co	1900	2	1,000,000
United States Steel Corporation and controlled properties (steel trust)	1901	800	1,490,237,900
United States Whip Co	1893	14	1,425,100
United Telephone & Telegraph Co	1899	9	5,500,000
United Traction Co. of Albany	1899	8	9,500,000
United Wire & Supply Co	1902	2	2,000,000
Universal Tobacco Co	1901	4	10,000,000
Utah-Idaho Sugar Co	1907	5	10,444,910
Virginia-Carolina Chemical Co. (phosphate trust)	1895	5	62,084,400
Virginia Iron, Coal & Coke Co	1899	6	13,943,680
Virginia Passenger & Power Co	1901	13	27,000,000
Vulcan Detinning Co	1902	2	3,500,000
Washburn Wire Co	1900	3	3,750,000
Washington Railway & Electric Co	1902	11	32,000,000
Western Stone Co	1889	8	2,372,500
Western Union Telegraph Co. (and all affiliated properties)	1851	25	121,874,000
Westinghouse Air Brake Co	1869	3	14,000,000
Westinghouse Companies	.....	16	44,025,500
Westinghouse Electric & Manufacturing Co	1872	15	68,779,537
Wheeling Consolidated Coal Co	1902	5	5,000,000
Wheeling Traction Co	1901	7	4,500,000
Whitaker-Glessner Co	1903	4	5,018,300
White Mountain Paper Co	1901	2	25,000,000
Wilkes-Barre & Hazelton R. R	1901	5	10,000,000
Wisconsin Lime & Cement Co	1900	6	5,600,000
Worcester & Connecticut Eastern Ry	1901	7	2,800,000
Worcester Railways & Investment Co	1901	6	7,000,000
Yellow Pine Co	1891	8	2,500,000
Youngstown-Sharon Ry. & Light Co	1900	14	6,500,000
York County Traction Co	1900	10	2,700,000
Zanesville Ry., Light & Power Co	1902	4	2,085,000
Total	.....	9,877	24,775,723,599

[1] About.

Mr. THOMPSON. Mr. President, an analysis of the foregoing figures shows that of these trusts 7 have a capitalization of over $1,000,000,000, 22 of $100,000,000 and over and less than $1,000,000,000, 54 of $50,000,000 and over and less than $100,000,000, 59 of $25,000,000 and over and less than $50,000,000, 76 of $15,000,000 and over and less than $25,000,000, 79 of $10,000,000 and over and less than $15,000,000,

150 of $5,000,000 and over and less than $10,000,000, and 175 of $1,000,000 and over and less than $5,000,000.

Of the six great railroad groups, all exceed $1,000,000,000 capitalization, and the Morgan group exceeds $2,200,000,000.

It is interesting to note that the Rockefeller and Morgan interests absolutely control the seven greater enormous companies. The Rockefellers were the fathers of the trust idea in this country, and have always been the controlling figures in most of the great trust enterprises. The greater trusts are dominated by that group of men known as the "Standard Oil" or "Rockefeller financiers," while the Morgans, Vanderbilts, Harrimans, Ryans, Guggenheims, and the Goulds have the greatest interests in some of the other trusts, yet the influence of the Rockefeller interests is more or less felt by all of the big combinations.

A glance at the different members of the Standard Oil officials will show that they are identified in a great many of the prominent trusts, and it is a well-known fact that their indirect influence is of great importance in most of the other industrial consolidations.

It has been frequently said that monopoly is here to stay. I do not agree with this doctrine. I believe monopoly can be destroyed by proper legislation, and, above all else, such gigantic corporations with a monopoly upon practically everything we produce, everything we eat and wear, and everything we use in the construction of the homes in which we live can be hereafter absolutely prevented. Indeed, progress has already been made in the right direction. Many of the trusts have already confessed their wrongs and now beg for an opportunity to be good. I believe that trusts would never have existed in their present and iniquitous form if the laws already on the statute books had been vigorously enforced in the beginning. If the Rockefellers and their associates, who deliberately planned the first big trusts in this country, had been vigorously prosecuted under the criminal statutes, convicted, and sent to the penitentiary, the problem would have been practically solved. But those in power were either too friendly with or too much afraid of the men of wealth to enforce the criminal statutes against them. There was even great hesitation in proceeding under the civil provisions of the law. The courts were also slow in getting results, as is usual in such matters. While trying one case a dozen others sprang up like mushrooms from perhaps the same source.

In contemplating the delay in court procedure I am reminded of the trial of the famous Hillman Insurance case in Kansas, wherein the principal issue of fact was simply to determine whether or not Hillman was dead. After half a dozen trials, consuming in all about 20 years' time, both sides gave up in disgust and settled the controversy, but the single question as to whether Hillman was dead or alive was just as doubtful at the end of the litigation as when the trial began, 20 years before.

While my life work has been in the court room and I am naturally prejudiced in favor of the courts and will yield to no man a greater confidence in or respect of the courts, yet I am compelled to admit that they have shown themselves totally inadequate to handle the trust question. We have therefore been compelled to provide some additional remedy. Suits are not generally brought under the Sherman Act except in cases of great magnitude and for clear violations of the law. The present act is designed to begin action as soon as the trust begins to form, and thereby prevent its creation. It will also give a better chance to the poor man before the law. It will be a great benefit to him to have the Government prosecute these suits at public expense and to have the advantage of the judgment rendered in case he desires to proceed against the same trust. I favor vesting power and authority over these combinations in a Federal trade commission, such as we recently created, with only restricted and limited review by the courts. The courts, in reviewing the commission's orders, will have the benefit of the findings of the commission after thorough investigation such as no court has the facilities to make. We have reached the point in our industrial history when we are compelled to decide between a commission created for the special purpose of handling this particular subject and the courts, which are already overladen with other great duties and are wholly unable to give the time and attention that such questions require. So after some reluctance I have been convinced that the best way to handle the subject for the present at least is by a Federal commission created for this special purpose and charged with the particular duty of destroying unlawful combinations already created and preventing the creation of new organizations. I am in favor of giving that commission sufficient power to proceed with the greatest expedition and certainty to accomplish the proposed object which that law already passed (H. R. 15613), this bill (H. R. 15657), and the securities bill (H. R. 16586), soon to be placed before the Senate, will enable us to accomplish. That there is great need for this legislation is emphasized by the fact that it was made the subject of a special message by the President. Among other things, the President said:

> What we are purposing to do, therefore, is, happily, not to hamper or interfere with business as enlightened business men prefer to do it, or in any sense to put it under the ban. The antagonism between business and Government is over. We are now about to give expression to the best business judgment of America, to what we know to be the business conscience and honor of the land. The Government and business men are ready to meet each other half way in a common effort to square business methods with both public opinion and the law. The best informed men of the business world condemn the methods and processes and consequences of monopoly as we condemn them; and the instinctive judgment of the vast majority of business men everywhere goes with them We shall now be their spokesmen. That is the strength of our position and the sure prophecy of what will ensue when our reasonable work is done.
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> We are all agreed that "private monopoly is indefensible and intolerable," and our program is founded upon that conviction. It will be a comprehensive but not a radical or unacceptable program, and these are its items, the changes which opinion deliberately sanctions and for which business waits.
>
> It waits with acquiescence, in the first place, for laws which will effectually prohibit and prevent such interlockings of the personnel of the directorates of great corporations—banks and railroads, industrial, commercial, and public service bodies—as in effect result in making those who borrow and those who lend practically one and the same, those who sell and those who buy, but the same persons trading with one another under different names and in different combinations, and those who effect to compete in fact partners and masters of some whole field of business. Sufficient time should be allowed, of course, in which to effect these changes of organization without inconvenience or confusion.
>
> Such a prohibition will work much more than a mere negative good by correcting the serious evils which have arisen, because, for example, the men who have been the directing spirits of the great investment banks have usurped the place which belongs to independent industrial management working in its own behoof. It will bring new men, new energies, a new spirit of initiative, new blood, into the management of our great business enterprises. It will open the field of industrial development and origination to scores of men who have been obliged to serve when their abilities entitled them to direct. It will immensely hearten the young men coming on and will greatly enrich the business activities of the whole country.

As has already been shown, the growth of these concerns has been swift and most alarming and has been destructive of individual effort in almost every business enterprise that men have attempted to engage in. Neither at birth, in life, nor at death are we free from trusts. We are welcomed into the world by the Milk Trust and rocked in a cradle built by the Furniture Trust. As we proceed through life we find practically everything we eat and everything we wear furnished by a trust and nearly every business in which we may wish to engage completely monopolized; and at last, as we approach death, we are brought face to face with the Coffin Trust, by which we are finally conveyed to our last resting place.

All of the political parties have repeatedly declared themselves favorable to immediate legislation on this subject; but the Republican Party, which has been in power, has done nothing in the way of legislation since 1890 to attempt to arrest the progress of monopoly. This is the first time the Democrats have been in power since the great combinations have taken hold of the country, and we are now at our first opportunity making the first determined effort which has been made to remedy the existing deplorable business conditions.

Mr. Roosevelt made great pretensions of being a "great trust buster," but judging from the wonderful activity in trust formation during his administration and the special encouragement the trusts received from him, and particularly the United States Steel Corporation, the most gigantic and monopolistic of them all, he would be more appropriately named "the great trust breeder." There were more trusts formed under the Roosevelt administration than under any other administration in the history of the country. His policy seemed more to encourage than to arrest their creation. It will be observed from an examination of the foregoing list of trusts that 299 out of the 628 were formed under the Roosevelt administration—practically one-half of all the trusts created from the beginning to the present time. It is also interesting to note that fewer trusts have organized in the year and a half of the Wilson administration than in the same length of time during the entire period of trust formation. I have been able to find only 12 great combinations created since March, 1913, and some of these are reorganizations of old companies, and some, while organized in this country, are engaged in business only in a foreign land. Only one trust has thus far been formed in 1914. I present the list and ask that it be made a part of my remarks.

Trusts organized in the United States since Mar. 4, 1913.

Name of trust.	Date incorporated.	Number of plants acquired or controlled.	Total capital (outstanding stocks and bonds).
American Trona Corporation (manufacturer of chemicals, etc., controls California Trona Co.)	June, 1913	1	$12,500,000
Carpenter-O'Brien Co. (timber and sawmills in Florida—controls Burton-Swartz Cypress Co.)	May, 1913	1	6,129,000
Central Petroleum Co. (operations controlled by the Texas Co.)	Aug., 1913	23	6,900,000
Chile Copper Co. (owns entire outstanding stock of Chile Exploration Co., New Jersey; mines, etc., in Chile)	Apr., 1913	1	95,000,000
Consolidated Copper Mines Co	May, 1913	2	4,114,380
Consolidated Nevada-Utah Co. (reorganization of bankrupt Nevada-Utah Mines & Smelters Corporation)	——, 1913	5	4,696,000
Electric Properties Corporation (owns entire capital stock of Westinghouse, Church, Kerr & Co.)	Aug., 1913	1	7,920,000
Elkhorn Mining Corporation (coal lands in West Virginia)	July, 1913	2	5,625,000
Freeport & Tampico Fuel Oil Corporation	——, 1914	2	5,000,000
Giant Portland Cement Co	Mar., 1913	7	2,000,000
London-Arizona Consolidated Copper Co	Sept., 1913	4	4,600,000
Sullivan Machinery Co. (manufacturers of drills, coal cutters, etc.; works in Chicago and Claremont, N. H.)	Dec., 1913	.....	4,000,000
Total	.....	.....	158,484,380

So you can count on your fingers all of the trusts which have been created and doing business in this country since the Wilson administration began, and absolutely none of these industries affect in any way the necessaries of life. The truth is that those engaged in this kind of enterprise fully realize and understand that President Wilson means business, and that this administration purposes at least to do something toward destroying and arresting the terrible progress of monopoly, which gained such headway under Republican administrations and brought so much calamity to the business world.

One of the greatest evils of the trust, aside from the destruction of competition, lies in overcapitalization by the trust promoters and the necessity then imposed upon the managers of the combination to put extortionate prices upon their products in order to pay dividends on the watered stock. The chief purpose of antitrust legislation is for the protection of the public, to protect it from extortion practiced by the trust, but at the same time not to take away from it any advantages of cheapness or better service which honest, intelligent cooperation may bring. Our idea is to remove certain restrictions which give an undue advantage to big business. No one will dispute the fact that big business has for years used its power to secure undue advantages for itself which produced monopoly and destroyed competition. Small business has had to fight for a living, while big business has had its own way. This condition of affairs, which has existed for the last 16 years, has had its day. It is high time now for a complete change. Big business realizes it as much as those who oppose it. Everybody will finally come to the conclusion that only honest and fair business methods shall be tolerated in this country and that "private monopoly is indefensible and intolerable." The trusts are already asking this administration, "What can we do to be saved?" By voluntarily dissolving they are accepting our policy. "The public be pleased," instead of following their former policy of "The public be damned." Heretofore the trusts have evidently asked the Republican administrations, "What can we do to evade the law?" Now they are asking the Democratic administration, "What must we do to obey the law?" The trinity trust laws passed by this Congress will answer the question. In the language of the President:

> We are now about to write the additional articles of our Constitution of peace, the peace that is honor and freedom and prosperity.

The PRESIDING OFFICER (Mr. WALSH in the chair). The question is on the motion of the Senator from North Carolina [Mr. OVERMAN] to reconsider the votes by which section 2 and section 4 were stricken from the bill.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Camden	Fletcher	James
Bankhead	Chilton	Gallinger	Johnson
Borah	Clapp	Gore	Jones
Brady	Culberson	Gronna	Kenyon
Bristow	Cummins	Hollis	Kern
Bryan	Fall	Hughes	Lane
Lewis	Owen	Shively	Vardaman
McLean	Perkins	Smith, Ga.	Walsh
Martin, Va.	Ransdell	Smith, Md.	White
Martine, N. J.	Reed	Sterling	Williams
Myers	Shafroth	Thomas	
Nelson	Sheppard	Thompson	
Overman	Shields	Thornton	

Mr. MARTIN of Virginia. My colleague [Mr. SWANSON] has been called from the city by sickness in his family.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from North Carolina.

Mr. OVERMAN. Mr. President, I ask unanimous consent that I may withdraw my motion to reconsider in so far as it pertains to section 2. I insist on it, however, as to section 4.

The PRESIDING OFFICER. The Chair hears no objection, and the motion is withdrawn so far as it pertains to section 2.

Mr. CULBERSON. Mr. President, the committee have no objection to the motion to reconsider the vote whereby section 4 was stricken from the bill and that the motion may be adopted. The committee are expecting to report an amendment to the bill looking to curing the defect as to patented articles, and will do so probably to-morrow.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina to reconsider the vote by which section 4 was stricken from the bill.

The motion was agreed to.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment, proposed by the senior Senator from Texas [Mr. CULBERSON], is, on page 17, line 14, after the word "corporation" and the comma, to insert "arising or accruing from such commerce in whole or in part."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. GALLINGER. I should like to inquire as to the page and line.

The SECRETARY. On page 17, line 14, after the word "corporation" and the comma, it is proposed to insert "arising or accruing from such commerce in whole or in part."

Mr. REED. What line is that?

The PRESIDING OFFICER. Line 14, page 17, after the word "corporation."

Mr. GALLINGER. So that it will read how?

The SECRETARY. So that it will read:

> Every president, director, officer, or manager of any firm, association, or corporation engaged in commerce as a common carrier who embezzles, steals, abstracts, or willfully misapplies any of the moneys, funds, credits, securities, property, or assets of such firm, association, or corporation, arising or accruing from such commerce in whole or in part, or willfully or knowingly converts the same to his own use or to the use of another, shall be deemed guilty of a felony, and upon conviction shall be fined not less than $500 or confined in the penitentiary not less than 1 year nor more than 10 years, or both, in the discretion of the court.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SECRETARY. The next amendment is, on page 17, after line 21, to insert:

> SEC. 9b. That authority to enforce compliance with the provisions of sections 2, 4, 8, and 9 of this act by the corporations, associations, partnerships, and individuals respectively subject thereto is hereby vested: In the Interstate Commerce Commission where applicable to common carriers and in the Federal trade commission where applicable to all other character of commerce, to be exercised as follows:
>
> Whenever the commission vested with jurisdiction thereof has reason to believe, either upon information furnished by its agents or employees or upon complaint, duly verified by affidavit, of any interested person, that any corporation, association, partnership, or individual is violating any of the provisions of sections 2, 4, 8, and 9 of this act, it shall issue and cause to be served a notice, accompanied with a written statement of the violation charged, upon such corporation, association, partnership, or individual who shall thereupon be called upon, within a reasonable time fixed in such notice, not to exceed 30 days thereafter, to appear and show cause why an order should not issue to restrain and prohibit the violation charged. If upon a hearing held pursuant to such notice it shall appear to the commission that any of the provisions of said sections have been or are being violated, then it shall issue and cause to be served an order commanding such corporation, association, partnership, or individual forthwith to cease and desist from such violation, and to transfer or dispose of the stock or resign from the directorships held contrary to the provisions of section 8 or 9, as the case may be, within the time and in the manner prescribed in said order. Any such order may be modified or set aside at any time by the commission issuing it for good cause shown.
>
> If any corporation, association, partnership, or individual charged with obedience thereto fails and neglects to obey any such order of a commission, the said commission, by its attorneys, if any it has, or by the appropriate district attorney acting under the direction of the Attorney General of the United States, may apply for an enforcement of such order to the district court of the United States for the district wherein such corporation, association, partnership, or individual is an inhabitant or may be found or transacts any business, and therewith transmit to the said court the original record in the proceeding, including all the testimony taken therein and the report and order of the

commission. Upon the filing of the record, the court shall have jurisdiction of the proceeding and of the questions determined therein and shall have power to make and to enter upon the pleadings, testimony, and proceedings such orders and decrees as may be just and equitable.

On motion of the commission, and on such notice as the court shall deem reasonable, the court shall set down the cause for summary final hearing. Upon such final hearing the finding of the commission shall be prima facie evidence of the facts therein stated, but if either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission, the court may allow such additional evidence to be taken before the commission or before a master appointed by the court and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem just.

Disobedience to any order or decree which may be made in any such proceeding or any injunction or other process issued therein shall be punished by a fine not exceeding $100 a day during the continuance of such disobedience or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Any party to any proceeding brought under the provisions of this section before either the Interstate Commerce Commission or the Federal Trade Commission, including the person upon whose complaint such proceeding shall have been begun, as well as the United States by and through the Attorney General thereof, may appeal from any final order made by either of such commissions to any court having jurisdiction to enforce any order which might have been made upon application of such commission as hereinbefore provided, at any time within 90 days from the date of the entry of the order appealed from, by serving notice upon the adverse party and filing the same with the said commission; and thereupon the same proceedings shall be had as prescribed herein in the case of an application by the same commission for the enforcement of its order as hereinbefore provided.

Any final order or decree made by any district court in any proceeding brought under this section may be reviewed by the Supreme Court upon appeal, as in cases in equity, taken within 90 days from the entry of such order or decree.

Mr. CULBERSON. Mr. President, in view of the adoption of section 5 of the trade-commission bill, the committee desire to offer an amendment to this amendment. It will be presented by the Senator from Montana [Mr. WALSH].

Mr. WALSH. Mr. President, on behalf of the committee I offer the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). The amendment will be stated.

The SECRETARY. Beginning on page 18, line 16, after the word "charged," it is proposed to strike out all the rest of section 9b and to insert in lieu thereof the following:

And thereupon such proceedings shall be had as are provided for in section 5 of the act entitled "An act to create a Federal trade commission, to define its powers and duties, and for other purposes" on the institution of proceedings against any person, partnership, or corporation charged with unfair competition; and all the provisions of the said act relating to the hearing before the commission therein referred to, and to the order thereof, and to the proceedings for the enforcement of such order, or to suits to annul, suspend, or set aside the same, are hereby made applicable to proceedings instituted and orders made under this section. If the act complained of as a violation of any provision of sections 8 or 9 of this act has been accomplished, the commission having jurisdiction as herein provided is hereby empowered to make such order as may be appropriate to divest or require the corporation proceeded against to divest itself of any stock it may have acquired contrary to this act, or to rid or require such corporation to rid itself of a director ineligible under this act, or to compel it otherwise to conform to the requirements thereof.

Mr. REED. Mr. President, I wish to inquire when the committee met and agreed to recommend that amendment. I never heard it until this moment, and I never heard of it until this moment. I think I was—in fact, I know I was—at the last meeting of the committee at which this bill was considered.

Mr. CULBERSON. Mr. President, in answer to the Senator from Missouri, I will state that this amendment was proposed by the committee on a poll. The Senator from Montana actually prepared the amendment, and the committee were polled upon it by him. Any further details of the polling can be given by the Senator from Montana.

Mr. WALSH. Mr. President, the Senator has practically given the facts. The Senator from Missouri recognizes the fact that when these matters come before the Senate for consideration we can not run out and have a meeting of the committee on every one of the matters. It is the commonest thing in the world, when it is proposed that an amendment shall be made to a committee amendment, for the chairman or some other member to go around and poll the committee. The chairman of the committee asked me to poll the committee upon this amendment, and I saw everybody who was here and reported it.

Mr. REED. Mr. President, I have been pretty constant in my attendance upon the Senate.

Mr. WALSH. But, Mr. President, so far as I am myself concerned, I should not like to have anybody bound by that at all.

Mr. REED. That is all I desire. I want this to come in as an individual amendment, and not as a committee amendment; and I want it debated upon the basis that it is an individual amendment, and not a committee amendment.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Texas?

Mr. REED. I do.

Mr. CULBERSON. This is intended as a committee amendment, and it was presented in the same manner that the amendment was presented, striking out sections 2 and 4, by polling the committee. I hope it will be regarded as an amendment of the committee, because it is intended to harmonize this bill with the trade commission bill, and I think it does that.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. If the Senator from Missouri is going to engage in a discussion of this amendment I do not desire to interrupt, but before we vote upon this amendment I should like to have the Senator from Montana or the chairman of the committee state its effect, in what respect it harmonizes, and so forth. The Senator from Montana brought this amendment to me on the floor, but I have not yet had an opportunity to see the effect of it upon this bill, and in what respect it harmonizes. What I have been afraid of all the time is that out of harmony may come an emasculation of the Sherman antitrust law.

Mr. NELSON. Mr. President, I desire to say that I have not been polled on this amendment and know nothing about it. I have never been asked, as a member of the committee, whether I approved of it or not, and I do not think it is right to call it a committee amendment under those circumstances. It is nothing more than an individual amendment.

Mr. WALSH. Mr. President, I suppose that is a matter of very little consequence if the amendment has some merit in it.

Mr. BORAH. I was not complaining of the manner of the presentation. I simply wanted a discussion long enough to understand the precise effect of it.

Mr. WALSH. The amendment was presented by me in the open Senate. I called the attention of the Senate to the matter at the time. I indicated in a brief way what its character was, and I dare say a good many of the Senators present will recall the incident. It was presented on the 20th, five days ago, and was printed, and has been printed since that time; but that is a matter of no consequence, either.

The amendment brings, or attempts to bring, the procedure prescribed by section 9b of this bill into harmony with the procedure prescribed by section 5 of the trade commission bill. It will be recalled that in the discussion of that section it was pointed out that there was an essential difference between the method of procedure prescribed by that bill and that prescribed by the Clayton bill, the trade commission bill providing in substance that the order of the commission should be final except so far as it could be reviewed by proceedings brought to annul or set aside the order or any proceedings which might be brought to enforce the order; that it would have the same force and efficacy as an order made by the Interstate Commerce Commission in an ordinary case coming before that body, while the Clayton bill, as reported, provided for a complete review in the courts of the order which should be made either by the trade commission or by the Interstate Commerce Commission. In other words, to use terser expressions, the trade commission bill provided for the narrow review, the Clayton bill provided for the broad review of the order.

It is well known likewise that I advocated the substitution of the procedure prescribed by this bill for the procedure prescribed by the trade commission bill. I argued as well as I could in favor of the principle embodied in this measure, and asked that it be given recognition in the trade commission bill, but I was defeated in that effort. The Senate expressed its views. The Senate having once decided upon the matter, I do not care to go over the ground again and argue the same matters the second time. Thus I have endeavored to harmonize the provisions, and this provision eliminates the review provisions as provided by it and provides that all of the proceedings under sections 8 and 9 shall be exactly as provided under section 5 of the trade commission bill.

Mr. REED. The only reason I had for making the inquiry with reference to the consideration of this amendment before the committee was this. I find the custom of the Senate in the hot weather we have had is largely to absent itself and to remain away during discussion, and then for the Members to drift in from the cloakroom or from their offices when the vote is being taken, and inquire what the committee has recommended, and follow the lead of the committee. I have more than once witnessed the determination of questions simply by that process.

I agree that this proposition ought to be considered solely upon its merits. Every proposition should be so considered.

But the truth is, in most instances, we do not consider bills upon their merits; we accept the judgment of the committee.

This amendment was never considered by the committee in the sense that it was before the committee for discussion and action. The purpose of a committee is to assemble for common counsel, to discuss questions, and, after consideration, to vote upon them.

Mr. OVERMAN. Mr. President, may I make a suggestion?

Mr. REED. In a moment. I agree now that there may arise during the progress of a bill instances where it is found necessary to make some minor change. In such a contingency the opinion of the committee may be ascertained by a poll. But this amendment is not a trivial matter; it is important. All I am asking is that it shall be considered upon its merits and not as a committee amendment.

I yield to the Senator from North Carolina.

Mr. OVERMAN. The Senator will recollect that we had before us the question of a broad review and a narrow review; that it was considered for a week; and that the Cummins amendment was afterwards adopted. We contended for the broader review. The Cummins amendment having been adopted, there was no use to call the committee together to consider that question.

Mr. REED. The Senator states that the committee thought there was no use in calling the committee.

Mr. OVERMAN. That is, the majority of the committee.

Mr. REED. It is singular that at least three of us did not hear of it. However, I care nothing about that. All I want is to have this proposition considered upon its merits. That is all I ask; and now that the attention of the Senate has been called to the exact facts, I am content.

However, I want to ask the Senate to gravely consider just what we are doing by section 9b of the bill. If after consideration it is the opinion of the Senate that we ought to take the course specified in section 9b, well and good. I shall have at least done my duty. The responsibility will be upon those who adopt the section.

The bill as it came to us from the House of Representatives contained sections 2 and 4 and 8 and 9. Each of those sections declared certain practices therein specified to be illegal. Each of those sections provided a method of enforcement by the courts of the land. Section 4 provided in express terms that anyone guilty of the offense denounced therein should be deemed guilty of a misdemeanor, and upon conviction should be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both, in the discretion of the court.

Section 2 as it came to us from the House denounced certain other practices as unlawful, and provided that the violator of that section should be deemed guilty of a misdemeanor and punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year.

Sections 8 and 9 each denounced certain acts as unlawful and provided penalties identical with those specified in sections 2 and 4.

Now, I want if I can to get the attention of Senators for just a minute. These four sections of the bill as it came to us from the House denounced the four particular practices of monopoly which have been declared by the courts to be among the chief means monopoly has used to oppress. These four sections by express language declare the practices referred to to be illegal and affix criminal penalties. All of the sections may be enforced in the criminal courts, and may also be enforced in civil tribunals. These four sections were in accordance with the pledge of the Democratic platform and of the Republican platform, which were to the effect that we proposed to enforce the criminal penalties against those who were guilty of conspiracies in restraint of trade.

These four sections were supplemental to the Sherman Act and were of the exact character described by President Wilson in his message, which the Senator from Tennessee [Mr. SHIELDS] read this afternoon.

Now, we have stricken from every one of the sections, first, every criminal penalty——

Mr. WALSH. Will the Senator pardon me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH. I understand the Senator is not now addressing himself at all to the amendment, but he wants to eliminate section 9b altogether and restore the penalty provided in sections 2, 4, 8, and 9.

Mr. REED. In a way the Senator has stated my position.

Mr. WALSH. Let me make an inquiry of the Senator, as the other matter is up. The question, I understand, that is before the Senate is whether the method of review prescribed by the Clayton bill shall be pursued or whether the method prescribed by the trade commission bill shall be pursued; that is to say, if the section shall stay in at all. Now, could the Senator express what his preference is as between those two?

Mr. REED. I would prefer to finish my statement of the question. I shall try to make it plain.

Mr. SHAFROTH. Will the Senator explain the four practices referred to?

Mr. REED. If the Senator will bear with me a moment, I desire first to finish the statement I am making. We have now stricken out every criminal penalty. The bill came here from the committee with them out. I protested in the committee against taking them out.

Now, it is proposed that we shall provide a special tribunal for their enforcement. The only method for enforcement is as follows: A party injured may appear before the trade commission, or the trade commission, on its own motion, may begin an inquiry to ascertain whether the practices prohibited by the bill are being followed by an individual or corporation. All the trade commission can do is to issue its order that the practice shall be stopped, and if the offender does not obey the trade-commission order, then the trade commission can bring suit in a Federal court to compel him to obey. If he is beaten there, he can appeal to the United States Court of Appeals. If he is beaten there, he can again appeal, this time to the Supreme Court of the United States. If he is finally beaten, he can pocket all the profits he has made in the intervening years. He does not suffer the loss of one penny, save possibly the court costs. He keeps the profits. He suffers no losses. He does not go to jail. He makes money by the transaction. The longer he can keep the case in court the better off he is. That is the proposition now before the Senate. I want Senators to know what is in the bill as it stands here now.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Texas?

Mr. REED. I do.

Mr. CULBERSON. I call the attention of the Senator from Missouri to section 12 of the bill. Will the Secretary read it as proposed to be amended? In addition to the enforcement of sections 2, 4, 8, and 9 by the trade commission, the crime for which the corporation is guilty is made the crime of every director, officer, or agent also.

Mr. REED. I shall take pleasure in reading it in full and commenting upon it.

That every director, officer, or agent of a corporation which shall violate any of the penal—

Observe the language, "of the penal"—

provisions of the antitrust laws, who shall have aided, abetted, counseled, commanded, induced, or procured such violation, shall be deemed guilty of a misdemeanor, and upon conviction thereof of any such director, officer, or agent he shall be punished by a fine of not exceeding $5,000 or by imprisonment for not exceeding one years, or by both, in the discretion of the court.

That applies only to the officer of a corporation when the corporation has violated the penal provisions of the antitrust laws, and there is not a penal provision left in this bill. The sole province therefore of section 12 is to make those officers of corporations which have violated the penal provisions of the antitrust act as they now stand disassociated from this bill liable in case the corporation has committed a penal offense.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. REED. I do.

Mr. SHIELDS. I wish to ask the Senator whether section 12 is anything new. I wish to ask him if it is not covered by sections 1, 2, and 3 of the Sherman antitrust law? I wish to ask him if the section was necessary in order to prosecute the officers and agents of corporations under that law? I wish to ask him if he thinks that any officer or employee of a corporation or other master can escape criminal punishment, criminal responsibility, by saying that he was a mere officer or agent of a corporation? There are no agencies in crime; all are guilty. The original act provides that the word "person" as used in the first three sections shall include both persons and corporations, and prosecutions of the officers and agents of corporations have been going on under the act. This adds nothing to the Sherman law. It is already the law of the land.

Mr. WALSH. I should like to ask the Senator from Tennessee if that would not be the case whether sections 2, 4, 8, and 9 were in or not?

Mr. SHIELDS. No; it would not as to the Sherman law.

Mr. WALSH. Or any other law?

Mr. SHIELDS. But the criminal provisions in sections 2, 4, 8, and 9 relate to violations of those specific causes and of the acts intended to be prohibited and made unlawful, whether they constitute restraint of trade, or whether monopolies or not; and they are only in violation of the Sherman law, and they are only punished under it when they do consummate restraints of trade and monopolies of commerce. It is necessary to have them in connection with these three clauses, two of them now knocked out, with sections 8 and 9 in order to make criminal those particular acts, those particular schemes, those particular devices and badges and first steps of crime.

Mr. REED. Mr. President, answering the Senator's question, there is a possibility, I think, that section 12 may have in a slight degree broadened the law with reference to a prosecution of the officers of a corporation under the Sherman Antitrust Act and the amendments thereto. It may be that by the employment of the language "every director, officer, or agent of a corporation which shall violate any of the penal provisions of the antitrust laws, who shall have aided, abetted, counseled, commanded, induced, or procured such violation" we make it a little broader than the law is now, but I doubt it very much.

But, Mr. President, I do not want to get away from the question I am discussing.

Mr. WALSH. Before the Senator proceeds I should like to help to get the matter clear. The Senator is not now, as I understand him, doing anything more than discussing the matters he discussed here before, namely, that we ought to reinstate sections 2 and 4 with the penal provisions in them. In other words, the discussion of the present plan is a continuation of the discussion that we supposed we had passed upon.

Mr. REED. Mr. President, I have never yet for even one moment of time discussed the question of the restoration of the penal provisions of section 4 in the Senate. I did discuss it in the committee. However, I desire to stick to my theme and to dispose of one thing at a time. The Senator from Colorado [Mr. SHAFROTH] asked the very pertinent question, "What are the practices covered by sections 2, 4, 8, and 9?" Will the Senator not get the bill and follow me?

Section 2 is aimed at a discrimination in the prices between different communities. It seeks to prevent a practice which has been commonly charged against the Standard Oil and other great concerns, namely, of maintaining high prices or satisfactory prices to them in the great body of the country, but in some State or some community, for the purpose of destroying a competitor, of dropping their prices there locally until the competitor is driven out of business, is bankrupted and ruined. Then, having driven competition from the field and established a complete monopoly, they raise the price so as to recoup all losses, and at the same time they have rid themselves of a troublesome competitor.

Now, that is the particular form of practice that has been denounced here on this floor as one class of unfair competition. It is the particular form that has been condemned by the statutes of Kansas and by the statutes of some 10 or 11 other States; I want to see it stopped. If you had 50 trade commissions I want somebody to tell me why Congress should not specify that particular act and denounce it here and now as criminal. To do so will not interfere with the trade commission; it will help the trade commission; it will not destroy its power; it will make the path certain and the remedy complete. All you have done is to provide a penalty of fine and imprisonment which can be enforced without in any way interfering with the trade commission. But when you place these practices exclusively in the control of the trade commission by amending the bill as it has been proposed to be amended, you take away every penalty and every punishment except that a man can be punished for contempt if he does not obey a decree of the court based upon a trade-commission order and obtained after 8 or 9 years of litigation. The trusts want nothing better than to have this thing done. Now, I answer further——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. Would the Senator be willing to wait until I get through with section 4? Section 4 provided in particular terms, I may say, against "tying contracts," an infamous practice that has grown up since the decision of the cases I referred to the other day, by which a corporation having some patented article attaches to it a little notice to the effect that the man who uses that patented article shall buy certain other goods and certain other supplies exclusively from the man who sold the patented article. Section 4 covered that practice but was somewhat broader. It provided that a man could not make a sale and attach a condition to it compelling the purchaser to buy from him and him alone.

That is a favorite device of the monopolist. In my speech made last week I read you the warning that was given by the Chief Justice of the Supreme Court of the United States. I read you the opinion of the Supreme Court saying that legislation is necessary if the evil is to be arrested. With plain evidence before us that this favorite device of men who do not hesitate to pluck and plunder the public is constantly being employed, with the fact that we Democrats pledged ourselves by criminal provisions of the law to punish those who thus oppress the public also before us, you strike out the criminal provisions of these sections and turn "the malefactors" over to the tender mercies of a trade commission.

The trade commission can send nobody to jail. It can impose no fine. It can not levy a penalty of one single penny. It is powerless and without force until a court, at the end of long litigation, has affirmed its judgment of injunction.

Thus you take from the condemnation of the criminal law these infamous practices I have described. We Democrats at Baltimore said that "a private monopoly is indefensible and intolerable," and we pledged ourselves to strengthen the trust laws. Now you propose to take these practices that we said we would prohibit and put them in a class by themselves where a trade commission, without any power whatever except to issue an injunction that it can not enforce, is alone to protect the people against them.

Mr. WALSH. Mr. President, I do not think the Senator from Missouri really intended to say what he has said. I do not think he intended to say that in the Democratic platform we promised the people to put penal provisions in this particular bill. If the Senator will pardon me, I should like to read what we did say about it.

Mr. REED. I will yield to my friend for almost anything on earth, but just now I should like to get through with these four sections. Then I shall be willing to discuss the Democratic platform.

Section 9 of the bill as it came from the other House contained a provision prohibiting interlocking directorates—a common practice that has led to scandal in this country, that called for long sessions by a committee of the House of Representatives, and brought first to the attention of the public the great reformer, Mr. Untermyer, and threw him and certain other reformers into the spotlight. All will remember how the country was agitated from end to end. The interlocking-directorate problem is dealt with in section 9; we propose to stop it; but we approach the question very tenderly and very gingerly. We are afraid to affix a penalty; we are almost afraid to even prohibit the practice at all. And then we turn the enforcement over to a commission authorized to consider the question. If it does not think the practice is right, it may issue an injunction. We then provide carefully that there can be appeals to the courts. Through the long line of litigation the concern continues its practices; monopoly flourishes in the land like a green bay tree; and at the end of the litigation, mind you, there is not a penny of penalty exacted, not the forfeiture of a cent, not a day in jail. The offenders keep the profits they have made.

Section 8 provides that corporations can not acquire or hold any part of the capital stock of other corporations where the effect is to substantially lessen competition. What was that meant to strike? It was meant to strike the favorite device of the monopolist. At common law it was illegal for one corporation to hold the stock of another corporation. And why? Because it was contrary to public policy, because it was contrary to good morals, because it was contrary to good government for a corporation that was organized under the law, and given specific powers and required to have certain officers to manage its affairs, the stockholders of which were also given certain privileges and responsibilties, to have its affairs governed not by individuals, but by some other corporation. Hence it was regarded as bad policy to permit one corporation to acquire the control of another.

But what happened? That rule was relaxed; and so we find in this country a corporation organizing a brood of corporations, every day whelping a new litter, and operating them secretly and using them to deceive the public. I illustrated the evil the other day when I showed that the Harvester Trust bought out competitors and acquired stock control of competitors, and pretended that they were independent institutions, and advertised them to the world as competitors of the trust that all the time owned them. The Harvester Trust is not the only offender; the device has been commonly employed by the monopolies of the country. You, my brethren, have denounced these monopolistic devices upon the stump until you were hoarse and until your audience rose and applauded you to the echo. We pledged ourselves to enforce the criminal statutes against these

institutions; we pledged ourselves not only in our platforms but upon the stump and through all our literature that we would bring these concerns to the bar as common criminals, and to-day we are back tracking. To-day we propose to strengthen the trust laws by providing a remedy which does not have a single tooth in all its soft and flabby gums; that will not even frighten a trust magnate; that will not make him pause, unless it be to express his feelings in derisive laughter.

I do not now complain of your trade commission bill; it may do some good; it may ascertain some facts. What I am protesting against is that you take the sword from the hand of justice simply because you are creating a trade commission. What I complain about is that you propose here and now to disarm the law of its weapons. Instead of giving to it the sword that is keen and two-edged and that pierces even to the dividing asunder of the soul and body and the joints and the marrow, you break that sword and supinely turn the monopolists over to a commission that can not even issue a civil decree that it can itself enforce.

Why not let the commission exist and also let the penalties of the law exist? Why not let the commission exist and do whatever good it can? But when we deal with these great evils that we all know are evils, that we have denounced on the stump, and that you have inveighed against night and morning and morning and night for lo these years, why not denounce them now by law, and why not add a penalty that will make that law a terror to evildoers?

What man organizing a trust and desiring to engage in one of the four practices named in these four sections upon which I have commented will pause in his course if you do not add a penalty? If you were organizing a combination and working through these means, would you hesitate because you might some day be called before a trade commission, and if, after hearing and after all the delays you could get, you might have an order issued by that commission that you should stop? What burglar would stop robbing a house if, after he had been captured, the severest penalty the court could impose would be to issue an injunction providing "You shall stop where you are. What swag you have already in your pocket you may carry away, but what you have not yet stolen you shall leave"?

What man will stop practicing monopolistic methods if he knows that at the end of the litigation the worst that can happen to him is the cost of the case on appeal and that all the profits he made shall be his to keep and enjoy?

I am astounded to find Democrats sitting here and Republicans sitting yonder indulging compassion and tenderness for the conspirators who follow these methods of monopoly. I can have some sympathy, sir, with those who say that there is a shadow ground and that in that shadow ground men may wander and their feet stumble; but I am not now speaking of shadow cases; I am speaking of the gentleman who deliberately, with his eyes open, starts in to gain control of other corporations by getting hold of their stock in order to remove them from the field of competition, who does it with that purpose in his mind; I am talking of the case, now, of a man who goes out into a community for the purpose of wrecking his competitor and establishing his monopoly and cuts prices locally so that he can destroy the man who ventures against him; I am talking now about the system devised in the brain of monopolists to create a monopoly in the shape of a dozen or a hundred independent corporations, all held together by the links of interlocking directorates. I am talking about these plain matters that are against the policy of the law and that ought to be expressly condemned, and I am demanding, so far as I can demand, that these practices shall bring with them a penalty that will warn the evildoers. I am speaking to the Senate with all the earnestness and solemnity that I can give to an utterance. If we adjourn this Congress having done nothing but create this milk-and-water pabulum, we may be sure the trusts will take it without a grimace, because they will know that the people of the United States must for many years to come take the medicine they mix.

Mr. President, I have briefly stated these propositions. I am opposed to this amendment. I am opposed to the committee's amendment. I insist that there shall go back into this bill all of the criminal provisions contained in the bill as it came to us from the House of Representatives. If it is in order, I desire to move as a substitute for the amendment the language of section 4 of the House bill, which was stricken out by the committee and which reads:

> Shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both, in the discretion of the court.

And upon that at the proper time I shall ask for a roll call.

Mr. CUMMINS. Mr. President, the Senator from Missouri [Mr. REED] has not debated the question before the Senate. He has, however, argued a very interesting question, and I desire to follow him for a moment in the consideration of the matters which he has presented.

The question before the Senate is not whether the law shall be enforced through a commission or through the criminal courts; the question is whether, if the law in these respects is to be enforced through a commission, it shall be enforced in the way reported by the Senate committee, or whether it shall be enforced in the way adopted in the trade commission bill. I will come to that presently. I wish now to consider the four sections reviewed by the Senator from Missouri [Mr. REED] and ascertain if I can whether the House has presented to us so drastic and so efficient a remedy for the evils which we all know exist.

Mr. REED. Mr. President, the Senator says that the question before the Senate I did not discuss. I made a motion to reinstate the language of the House bill, and that is the question now before the Senate.

Mr. CUMMINS. The Senator from Montana [Mr. WALSH] offered an amendment to the committee amendment, the former having the approval, as I understand, of a majority of the members of the Judiciary Committee. That amendment proceeds upon the hypothesis that these sections are to be enforced through the commission; and the question that we would be called upon to decide in voting upon that amendment is whether we prefer the procedure reported by the Judiciary Committee or the procedure affirmed by the Senate by vote in the consideration of the trade commission bill. However, I do not intend to allow this occasion to pass without a little consideration of the matters suggested by the Senator from Missouri.

Mr. BORAH. Mr. President——

Mr. CUMMINS. I yield to the Senator from Idaho.

Mr. BORAH. I desire to ask the Senator from Iowa the question I was going to ask the Senator from Missouri a few moments ago. If we adopt the amendment offered by the Senator from Montana [Mr. WALSH] and turn the enforcement of these provisions over to the trade commission entirely, then what is the necessity of having sections 2, 4, and 8 in this bill at all, or what is the necessity of proceeding as we are proceeding to deal with the subject in this bill? Sections 2, 4, and 8 simply define forms of unfair competition. The trade commission could take charge of those practices and find them to be unfair competition, and there would be no necessity for our defining them, unless we are going to enter upon the field of defining all forms of unfair competition. We have simply selected out three or four forms; but the trade commission would have jurisdiction to deal with the subject anyway; and I see no reason for such provisions being in this bill if the matter is going to be finally turned over to the trade commission.

Mr. CUMMINS. But, Mr. President, the Senator from Idaho assumes a proposition which I do not at all admit. I do not admit that sections 8 and 9 cover a form or a method of unfair competition. I think they are entirely removed from that field.

Mr. BORAH. Very well; we will not debate that; but the Senator would not contend that sections 2 and 4 do not cover forms of unfair competition?

Mr. CUMMINS. I readily admit that section 2 covers a well-known form of unfair competition; I am not at all sure that section 4 does. My best judgment is that section 4 does not cover a form of unfair competition; but undoubtedly section 2 does; and the question presented by the amendment of the Senator from Montana, adopted by the committee, does not relate to any of these things; it relates simply to the procedure.

Assuming that the commission shall be given the power to enforce these sections, then it raises the exact issue that was presented to the Senate as between the amendment proposed by the Senator from Ohio [Mr. POMERENE] and the amendment which I proposed, as to the merits of a broad and a narrow review, as to the effect which should be given to an order of the commission. That is the question presented by the amendment of the Senator from Montana, and it is, of course, supported by the additional consideration that it would be absurd for us to give the orders of the trade commission one effect in passing upon sections 2, 4, 8, and 9, and another in passing upon section 5 of the commission bill; and especially would it be unthinkable that we should take away from the orders of the Interstate Commerce Commission an effect which they now have, an effect which has been declared over and over again by the Supreme Court of the United States, an effect which has been sustained after the most careful inquiry extend-

ing over a period of years, and practically destroy the usefulness of the Interstate Commerce Commission.

I do not intend just at this moment to argue that question, however. I am interested in what the Senator from Missouri has said—that we are so tender of lawbreakers and law defiers that we desire to mitigate the punishment which they ought to receive, and allow them to go scot free for their crimes. Now, I fear that the bill as it came from the House, so far as sections 2, 8, and 9 are concerned, is grossly inadequate. I fear that it creates a refuge for lawbreakers and monopolists; and I now proceed to examine with some care these provisions.

I am not one of the men who have been opposed to attaching criminal penalties to offenses against the law. I think there are some regulations of commerce which we ought not to enforce through the criminal courts, but there are other regulations that we ought so to enforce. It all depends upon whether we can denominate the crime so clearly and so specifically that honest men may know what the law is with the certainty that a criminal law should always exhibit.

Let us see about section 2. I would look upon it as a national calamity if section 2 were enacted either in the form in which it came from the House or in the form in which it came from the Judiciary Committee. As the Senator from Missouri has said, it is intended to prevent the well-known practice of local price cutting or discrimination. The principle has been applied to many well-known commodities in the various States of the Union, to oil, to lumber, and in some States to every commodity. But listen:

That it shall be unlawful for any person engaged in commerce, either directly or indirectly, to discriminate in price between different purchasers of commodities—

Now, as the House had it—

in the same or different sections or communities, which commodities are sold for use, consumption, or resale within the United States.

And there I might suggest to my learned friend from Tennessee that this section is open to all the constitutional objections which he presented this afternoon with so much vigor and so much emphasis.

I proceed to read:

Which commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia, * * * with the purpose or intent thereby to destroy or wrongfully injure the business of a competitor of either such purchaser or seller.

That in itself contains a qualification which neutralizes in great measure the effect of the law, because it would be practically impossible for the Government to prove that it was done with the purpose or intent to wrongfully injure the business of a competitor, or to destroy it.

That, however, is a little thing as compared with what follows:

Provided, That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodities sold—

If, by changing in any degree the quantity of the commodity sold as between purchasers, the seller is permitted to make the discrimination which is recognized to be so great an evil, tell me who would ever fall within the prohibition of the law, or within the penalty which it prescribes. Upon its very face it destroys itself.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. NELSON. Will the Senator tell us how it would come within the scope of section 5 of the trade commission bill?

Mr. CUMMINS. I am not discussing section 5 of the trade commission bill. I will, however, tell the Senator from Minnesota later how it would come within that section.

Mr. NELSON. Will the Senator tell us how this is covered by section 5? If it is not covered by that, what covers it?

Mr. CUMMINS. I am discussing the proposition of the Senator from Missouri [Mr. REED]. I know the Senator from Minnesota is very anxious to sustain the proposition of the Senator from Missouri, and I am attacking it. I say that the bill as it came from the House and as it came from the Judiciary Committee will afford little or no relief whatsoever to the people of this country against the evil which has been so graphically and so justly denounced.

Mr. NELSON. What will section 5 of the trade commission bill cover on that subject?

Mr. CUMMINS. I will answer the question of the Senator from Minnesota when I reach that point in the consideration of the matter; but he must not require me to anticipate my argument just at this moment.

Provided, That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance—

Now, mark you—

that makes only due allowance for difference in the cost of selling or transportation—

I pause there a moment—"difference in the cost of selling or transportation." We are here invited into a field so broad that human vision can scarcely see its boundaries. What an inquiry it would ask the Government to make as to the difference between the cost of selling in a particular locality as compared with the cost of selling in another locality! We might as well have no prohibition at all as to include words of that character.

But that is not all—

Or discrimination in price in the same or different communities made in good faith to meet competition and not intended to create monopoly.

If the practice is intended to create monopoly, it is already denounced by the antitrust law, and we need no further protection on account of such methods of business.

Made in good faith to meet competition—

Imagine the Government endeavoring to prove that a particular instance of price-cutting was not made in good faith to meet competition! But that is not all.

Mr. REED. Mr. President, would it interrupt the Senator if I asked him a question?

Mr. CUMMINS. No; I shall be very glad to be interrupted.

Mr. REED. I do not think there is the slightest difficulty about the proposition the Senator is discussing.

Mr. CUMMINS. No; I know the Senator from Missouri does not think so. He has already said so. I do think so, however.

Mr. REED. I think I can give a reason for my position. Manifestly, if two men are in competition at a given place—let us say the Standard Oil Co. and an independent company—and the independent concern should drop the price of gasoline to 11 cents, and the Standard Oil Co. should meet it, that would be an act done in good faith to meet competition. If, however, the Standard Oil Co. were to drop the price of gasoline to 5 cents, a price less than the article could be produced for, and kept it up to 11 or 12 cents somewhere else, and carried it out and kept it up so that it drove the independent concern out of business, there would not be any difficulty at all in a jury finding that they did not do it in good faith. I will undertake, in any reasonably plain case, any outrageous case, to get a verdict every time under that section.

Mr. CUMMINS. I think the Senator probably could get a verdict from a jury in an outrageous case, but we are not making this law to arrest the progress of monopoly in outrageous cases only. We are making it to preserve competition. That is our object. If that is not our object, we have none.

Mr. REED. Mr. President, the difference between the Senator and myself is this: He admits now that this law would stop the outrageous case——

Mr. CUMMINS. I do not admit it.

Mr. REED. But because it would not stop all cases he therefore will have no law at all.

Mr. CUMMINS. The Senator from Missouri is very skillful in the use of words, but he can not induce me to fall into the error which his statement of my position would put me in. I do not say that this would meet every outrageous case. It would not. So far as concerns the test of meeting in good faith competition that existed, it might; but there are so many loopholes in the section that if the transgressor did not escape from one he would be very sure to find ready egress from another.

That is not all the section contains, however.

And provided further, That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade.

That legalizes a form of piracy which has been well recognized as unfair competition, and would destroy in large measure the efficiency of this section, even if it contained no other exception. I can not be wrong when I assert that if "unfair competition" means what we have been led to believe it means—and now I am answering the Senator from Minnesota—if "unfair competition" means what the Supreme Court has said it means, what every writer upon the subject has said it means, what the statutes of other countries have declared it means, then every instance of local price-cutting that injures the public by tending to destroy competition through these means would be

prohibited, and the offender would not be able to escape by appealing to the rigid language of a criminal law.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield.

Mr. NELSON. I do not want to interrupt the Senator.

Mr. CUMMINS. Oh, I am quite willing to be interrupted. I am on that subject now.

Mr. NELSON. There are one or two questions I should like to suggest to the Senator from Iowa.

Is not the central idea of the antitrust law to keep open the avenues of competition? And if that is true, then is not this proposition, as involved in section 5 of the trade commission bill, the opposite? Is not that to give the opportunity to these trusts to come in and get somebody to complain and say, "I am not guilty of unfair competition," and get a decree of a court or of the commission, and in that way absolve themselves from prosecution under the antitrust law? Is not that the central idea? Is not that what they are aiming for?

Mr. CUMMINS. Is the Senator asking whether that is my idea?

Mr. NELSON. I am asking if that is not the effect of it.

Mr. CUMMINS. The Senator did not ask about the effect of it. He asked whether it was not the idea of those who had proposed and who were endeavoring to maintain it. The first question could be asked only upon the assumption that the Senator from Minnesota believes that those who favor section 5 are the friends of monopoly and are endeavoring to fasten its hold upon the business of the United States. Knowing him as I do, I assume that he did not intend any offense of that kind. If he did, I might well decline to answer his question. If he intended to ask, however, as he put it afterwards, whether the effect of the enforcement of section 5 of the trade commission bill would be to legalize monopoly and to strengthen its power, I say, emphatically, "No." I believe, and I believe sincerely, that the proper enforcement of section 5 of the trade commission bill will do more to keep the channels of trade free and open, will do more to preserve permanent and enduring competition in the business and commerce of the United States, than the Sherman antitrust law has ever done, or than any provision in the so-called Clayton bill can do. That is my honest opinion.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield.

Mr. BORAH. I think the Senator would agree, however, that it would depend entirely upon the attitude of mind of the particular trade commission who are passing upon the question of unfair competition. Suppose a trade commission should be composed of men who had the view that Judge Sanborn had the other day in regard to the Harvester Trust?

Mr. CUMMINS. Oh, Mr. President, I agree to that. I agree that we may be injured by an erroneous interpretation of the law, whether the men compose courts or commissions. I agree that if the Supreme Court of the United States had adhered to the doctrine which it announced in the case of Knight against Leonard the antitrust law would long ago have ceased to be of any value whatever. But the people of this country——

Mr. BORAH. Mr. President, I do not think it is necessary that the purpose may be dishonest or disloyal. It may be based upon an honest difference of opinion as to what constitutes competition or unfair competition.

Mr. CUMMINS. I agree to that.

Mr. BORAH. I think Judge Sanborn, as a lawyer and as a judge, honestly arrived at the conclusion which he reached.

Mr. CUMMINS. I have no doubt of it. The courts have it in their power to wreck our institutions. Their construction or interpretation of the Constitution can destroy all advance or progress. The political parties that are elected from time to time can retard the forward movement of humanity.

I assume in all that I do or say that the men who are intrusted with power in this country will in the end be in sympathy with the best thought of the country, and that they will interpret and administer our laws in harmony with that thought and for the welfare of all the people.

Mr. KERN. Will the Senator from Iowa yield to me to make a motion for a recess?

Mr. CUMMINS. Certainly.

RECESS.

Mr. KERN. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 6 o'clock and 2 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, August 26, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August 25, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, whose glory shines round about us with increasing brightness day by day and whose love touches with insistence every heart hour by hour, open Thou our eyes to that glory and our hearts to that love, that we may know Thee better and serve Thee by serving our fellow men with increased devotion and so fulfill the law and the prophets in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BELL of Georgia, for one week on account of illness.

REVOKING LEAVES OF ABSENCE.

Mr. UNDERWOOD. Mr. Speaker, I move the adoption of the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 601.

Resolved, That all leaves of absence heretofore granted to Members are hereby revoked.

Resolved further, That the Sergeant at Arms is hereby directed to notify all absent Members of the House by wire that their presence in the House of Representatives is required, and that they must return without delay to Washington.

Resolved further, That the Sergeant at Arms is directed to enforce the law requiring him to deduct from the salary of the Members their daily compensation when they are absent for other cause than sickness of themselves and their families.

[Applause.]

Mr. MANN. Mr. Speaker——

Mr. UNDERWOOD. Does the gentleman want time? If so, I will yield to him.

Mr. MANN. Well, I do not think the resolution is privileged at this stage of the proceedings, but it could easily be made privileged, and I shall not make the point of order against it.

Mr. UNDERWOOD. I think that the resolution concerns the most important question that the House is involved in, and that is the question of getting a quorum, and must be for that reason of the highest privilege. If the gentleman desires time, I will yield.

Mr. MANN. I do not care to discuss the resolution. I simply wish to have the RECORD show that it is not by unanimous consent conceded that the resolution is privileged at this time. The presumption is when the House meets that all Members have complied with the rule which requires them to be present in the House. Of course, if a roll call were had, and that could easily be had, and it showed Members were absent, the resolution might then be privileged, but I have no desire to compel the gentleman to go through——

Mr. MADDEN. Mr. Speaker, in order that we may have a record, I make the point of order that there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, I will ask the gentleman, if he desires merely a vote of a quorum to pass the resolution, that he will withhold that. That question can be determined upon a vote on the resolution.

Mr. MADDEN. I would as soon have it that way as the other.

Mr. UNDERWOOD. Will the gentleman withhold it?

Mr. MADDEN. Yes.

Mr. UNDERWOOD. Mr. Speaker, I do not desire to detain the House in a discussion of this question. The resolution shows on its face what it is. Now, I do not offer this resolution as a matter of criticism of my brother Members. I offer it as a governmental necessity. I appreciate and realize the difficulty of every Member of this House, that has been confronting him for the last six months and will confront him in the two months yet to come, that this is a political year, and that he naturally wants to be home part of his time; but the question that confronts us is, Are we going to stay here and attend to the Government's business or are we going to go home and attend to our political business? Now, I think, Mr. Speaker, it is far better for this House and the country that we stay here, attend to business, and keep a quorum on the floor of this House, so that business may be attended to by a majority of the House. [Applause on the Democratic side.] Then if the exigency of the public business carries us close to the day of election, it would be far better for this House, with the consent of the Senate, or for the two Houses, to take a recess and let everybody go home. It is not fair to the membership of this House who have stayed

here through this long summer and attempted to do business to be kept here when we can not do business, while Members who neglect their duties get the advantage of being home. [Applause on the Democratic side.] So, as there is no other way of enforcing a quorum in Washington, I think the law of the land should be enforced. [Applause.] If a Member finds it is more important for him to stay in his district and work for himself than to stay in Washington and work for his Government, he ought not to ask the Government of the United States to pay him his salary while he is absent from this Hall. [Applause.] Therefore, unless some gentleman——

Mr. MANN. I would like some little time.

Mr. UNDERWOOD. How much time does the gentleman desire?

Mr. MANN. Five or ten minutes.

Mr. UNDERWOOD. I will yield the gentleman 10 minutes.

Mr. MANN. Mr. Speaker, there are only a few of the Members of the House who have remained in continuous session during more than a year past. In the recent months a majority of the Democratic Members from the Southern States, whose nominations are equivalent to an election, have been absent from the House attending to their primary campaigns; and, now that all primary nominations have been made in these usually Democratic States, our southern friends virtuously propose that they will stay in Washington, having no campaign on their hands, and keep the northern Members, where there is a fight in their district, in Washington away from their districts. [Applause on the Republican side.] That is a virtue which is assumed, and which is stronger in its assumption and presumption than in any other way. It is true that Congress has been in continuous session for more than a year. It is also true that under a proper management by the majority side of the House Congress could have enacted all the legislation that was necessary in six months of that time. [Applause on the Republican side.] We have dawdled along in recent months, hard to get a quorum because of the absence of our southern friends attending properly to their primary campaigns and their nominating conventions. To-day, if we would adjourn Congress and go home and give the people a chance to develop the present possibilities by individual efforts, the country would be far better off than it will be by staying here. [Applause on the Republican side.]

It is not likely that under any circumstances, if Congress remains in session, that I personally would leave its sessions or the city of Washington, but I do not believe that it was contemplated or necessary to deduct the salary of any northern Member of Congress on either side who may be engaged in a campaign in his district, in order to let the people of his district know the issues which are before them. The best thing that could happen to the country is to let some of our friends on both sides go out into the country and campaign before the people and let the people speak with a knowledge of the questions which are pending. Of course, the proposition which is now presented will probably be a greater personal injury to the Members on this side of the House than it will to the Members on that side of the House, but it is an unfair proposition even to the northern Democrats in the House, who probably will not undertake to speak for themselves, but who will feel the outrage that is proposed to be committed against them to keep them here out of their campaign, which is a campaign not for nomination but for election, while our southern friends, having stayed away while they were being nominated, now have no fight over the election. [Applause on the Republican side.]

Mr. UNDERWOOD. The gentleman from Illinois [Mr. MANN] has made a very convincing argument if his statement could be sustained by the facts.

I always regret to see a sectional line drawn in this House, but I want to say to the gentleman from Illinois that if he wants to draw a sectional line in reference to the men who stay on the job in Washington and attend to their business, he will find that the southern Member stays here a very much greater percentage of his time than any other Member of this House.

Now, I want to say to the gentleman from Illinois [Mr. MANN] that what he says about the membership of the House leaving here to go home and attend to their primary elections is not warranted by the facts, only in exceptional cases. I know that when the primary election in Alabama took place, with one exception the Alabama delegation was on the floor of this House attending to its duties. [Applause on the Democratic side.] And I know that is true in most of the other Southern States.

Mr. WILSON of Florida. Mr. Speaker——

Mr. MANN. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. MANN. Is the gentleman willing to take the record of roll calls on the Alabama delegation during that time?

Mr. UNDERWOOD. Yes; I am.

Mr. DONOVAN. Mr. Speaker, a point of order. I insist that we should proceed in order. Two gentlemen rose at the same time and injected remarks in the talk of the gentleman from Alabama—the gentleman from Florida [Mr. WILSON] and the gentleman from Illinois [Mr. MANN]. It is not fair to the membership of the House.

Mr. MANN. The gentleman's statement that I did not ask permission is false.

Mr. UNDERWOOD. Now, Mr. Speaker, the real question the gentleman from Illinois [Mr. MANN] has not faced. It is not the question as to whether this resolution bears heavily on the membership of this House, for I concede that it does; but it is the question as to whether it ought to bear heavily on absenteeism from this House. The gentleman says that the reason we are here is because we have not transacted business. Why, when we transacted business in this House, the important business, the claim came from that side of the House that we transacted it too rapidly, not too slowly. [Applause on the Democratic side.]

We are detained here this summer, as everybody knows, because of the trust legislation that is in the Senate. We passed that legislation through this House after a little over three weeks of consideration. We could not adjourn in the meantime, and now the Congress is facing the necessity of passing additional revenue legislation, caused by the disruption of our customs revenue by reason of the war in Europe. We will probably lose $100,000,000 of revenue because the customs revenues are cut off from Europe. Before we adjourn it will be necessary to pass a bill to meet that condition. The country is at stake. The business interests of the country are at stake. There is distress all over the land growing out of the disruption of business caused by the European conditions, and for any Member of Congress to say now that he places his individual fortune and the necessity to take care of his individual fortune above his duty to the country, in my judgment proclaims that Member unpatriotic and unworthy of a seat on the floor of this House. [Applause on the Democratic side.]

I yield three minutes to the gentleman from Indiana [Mr. BARNHART].

Mr. MANN. Mr. Speaker, will the gentleman from Alabama yield to me two minutes?

Mr. UNDERWOOD. Yes; I will yield to the gentleman two minutes.

Mr. MANN. I would like to ask some gentleman from South Carolina a question. I have no desire to specify a particular Member. Is there any Member from South Carolina present who would be willing to answer a question?

Mr. POU. There are several from North Carolina who would be willing to answer a question.

Mr. MANN. You have had your primaries.

Mr. POU. Yes; and we stayed here.

Mr. MANN. The gentleman may have stayed here.

Mr. WEBB. I stayed here, I will say to the gentleman.

Mr. MANN. To-day they are having primaries in South Carolina, and no Member from that State is here. That has been the case with most of the Southern States during the holding of the primaries. The gentleman said I was mistaken. Well, I just call attention to the actual case. The gentlemen from South Carolina, just as honest, just as good, and just as patriotic as Members living in any of the other Southern States, are at home to-day looking after their fences. If they were here to-morrow, they would be glad to vote for this resolution to keep the gentlemen from the North, who have fights for election, here. They are through with their own fight.

Mr. UNDERWOOD. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. BARNHART].

The SPEAKER. The gentleman from Indiana [Mr. BARNHART] is recognized for three minutes.

Mr. BARNHART. Mr. Speaker, I am in harmony with the idea that we ought to have a quorum, but I am not going to say anything about that. I want to make a few general remarks for the "good of the order." I do that as a business man and not as a frequent speaker on the floor of the House. If there is anything the matter with Congress and its long sessions, it is due to the fact that a half dozen men on that side of the House and a half dozen men on this side of the House are continually consuming the time of the Congress by speech making which ought to be devoted to real legislation. The same is not only true of this branch of the Congress, but it is true elsewhere in the Nation's councils. [Applause on the Democratic side.] Think of going to church every day of the week the year round and listening to the same preachers five or six hours a day and

you will understand why it is hard to keep a quorum in the House.

When bills come up for serious and businesslike consideration on the floor of the House, day after day we see men, instead of attempting to consider bills as they should, filibustering by long speech making and delaying legislation. It is a fact that the business interests of the country have become impatient and have become woefully tired of the long talk, talk, talk of both Houses of Congress. I believe that the time is here, Mr. Speaker, when the business interests and the general welfare of the country are going to demand that Congress shall do less talking and more business. [Applause.] If we would give more time to the real business of legislation and less to long-winded speech making, more time to public business and less to public ear tickling, we would not be here all the year round with such a tedious program that Members become worn out listening and waiting, and absent themselves occasionally as a matter of health and necessity. [Applause.]

Mr. HUMPHREY of Washington rose.

Mr. UNDERWOOD. Does the gentleman desire some time?

Mr. HUMPHREY of Washington. Yes.

Mr. UNDERWOOD. Mr. Speaker, I yield to the gentleman from Washington two minutes.

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] is recognized for two minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, I have been a Member of this House now for almost 12 years, and during that entire time I have never gone home to look after my political affairs when Congress was in session. I therefore think that I can make a few statements about this proposed resolution without having any personal interests in mind.

I do believe that the proposed resolution is unfair to the northern membership of this House on both sides of the aisle. There is something more to consider than the personal interests of the particular candidates. It will soon become one of the highest duties of this membership to go out and discuss public questions before their constituents. So far as I recall, every Southern State has now had its primaries except South Carolina, where the primary is held to-day. I call the attention of the distinguished gentleman from Alabama [Mr. UNDERWOOD] to the fact that I stood here upon the floor of this House three or four weeks ago and called the roll of the distinguished gentlemen from the South that were absent. I do not think there is any more emergency now for keeping a quorum here than there was then. We would have been through with the work if they had been kept here, and I think it is unfair to both the northern Democrats and the northern Republicans to pass this resolution.

As to these southern Democrats who are now practically reelected, why can they not stay here now and keep a quorum so that the other Members of this body, if they so desire, may go home to look after their affairs? For one I do not expect to go, but I think that it is asking more than is fair for the gentleman from Alabama, after these southern Members are practically reelected, to insist that the other Members stay here now and keep a quorum or else be penalized for their absence. Why can not these southern gentlemen, who are practically reelected, stay here and keep a quorum so that business can be transacted? [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. Cox].

The SPEAKER. The gentleman from Indiana [Mr. Cox] is recognized for three minutes.

Mr. COX. Mr. Speaker, I do not believe that a more important resolution than this has been brought upon the floor of the House in the last 10 years. I am utterly unable to conceive in my mind of any legislation that is more important than this. I am not concerned with the question of the fairness or the unfairness of the resolution. It is absolutely and eternally fair to both the North and the South. [Applause.] I can not conceive of any business that Members have or should have as important as being here. e he strong or weak, he should be here looking after public business. We have been running here short-handed for three months. The highest number we have reached during this period of time on roll calls is about 230, although the total membership of the House is 431. Yesterday we fooled away two hours' time trying to get a quorum on a roll call, and in less than 10 minutes after a quorum was secured a point of order was made that a quorum was not present, and a second roll call developed the fact again that a quorum was not present. Where are these absentees? Where have they been? What have they been doing? Have they been serving their country in their absence from the House, or have they been serving their own private, personal benefit or suiting their own whims and caprices? A large number of them have been back home in their districts trying to renominate themselves. Others have been back home for months trying to secure a nomination for the United States Senate. Others have been back home practicing law, medicine, and following their usual avocations of life, while others have been away from here for weeks and months on the Chautauqua platform trying to tell the dear people of the country of the woeful conditions in which they live, drawing down two hundred per, instead of being here trying and honestly endeavoring to shape and fashion good legislation so as to elevate the people from the woeful conditions in which they say the people find themselves by reason of lack of proper legislation. This absenteeism from the House has come to the point where it has become a national scandal and a public disgrace; and yet during all their absence from the House they have been drawing their $24 per day from the Treasury of the United States, paid to them by the toilers of the Nation. Call the roll and see how many chairmen of important committees have been absent during the last three months. The very fellows who are supposed to be the organization men of the House—where are they, and why have they been absent?

Every Member knows that it is the ambition of everyone when he becomes a Member of this House to become a chairman of some committee, because it gives him a prestige and power that he does not otherwise have, and yet many of these chairman have been gone for weeks and months. No leave of absence has been secured for any of them on the ground of sickness of himself or any member of his family, but they have deliberately pulled up stakes, folded their tents, and "hiked" back either to their districts, the Chautauqua platform, or to the seashore resort, and having a good time at public expense, while the remainder of us, who have not been favored with committee assignments, are supposed to remain here on duty, day in and day out, to keep a quorum so as to enable the House to do business. I can not believe that if the country knew of these conditions that it would stand for it for a moment. It ought not to stand for it.

The absentee Members of the Democratic side pretend to be followers of our splendid President, Woodrow Wilson; and this fall, if they get the opportunity, they will be telling their dear people how hard and valiantly they fought in Congress in order to put through the administration legislative program; what a contrast, Mr. Speaker, between the actions of President Wilson on the one side and absenteeism on the other. Our splendid President took the oath of office on March 4, 1913, and I dare say that during all this period of time he has not been absent from his post of duty to exceed 10 days, every day doing his duty as the Executive of the Nation while those absent Members have been away from here looking after their own individual interests.

During the past three months the average number of Members absent each day was about 205, and during this time these absent Members have drawn from the Public Treasury of the United States not less than $442,800. Have they earned this while away from here back in their districts fighting for a renomination, attending to private and personal affairs, practicing law, or on the Chautauqua platforms, getting from one to two hundred dollars per lecture? Let the CONGRESSIONAL RECORD answer this question. Let the taxpayers answer it when they come to read the hundreds of roll calls that the RECORD will show since the beginning of this Congress. Let them contrast this line of conduct with the conduct of President Wilson and see whether or not they have stood by their post of duty, as they pledged the people they would when the people elected them to Congress. My experience, Mr. Speaker, has been that if a man comes here and does his duty there will be no occasion for him to go back home when he finds himself involved in a fight for renomination. I have had two hard fights for renomination. I left it entirely to the people. I had no trouble in winning, and when the time comes that I have to go home to be renominated I will accept defeat willingly rather than desert what I regard as my duty. For more than 20 years we have had a law that requires the Sergeant at Arms to deduct our pay when absent, except on account of sickness of ourselves or members of our families, and everybody knows that this law has been a dead letter and has never been enforced, and I trust the Speaker will see to it that this law will be religiously enforced and that every Member's salary will be deducted for every day absent, except in cases of sickness.

Congress is a lawmaking body, making laws to govern a hundred million people, and how can we expect the people to respect our laws if we refuse to enforce them ourselves? The way to make the people respect the laws we make is to respect them ourselves, and the way to respect this law is to enforce it rigorously against every Member of the House. In less than

two days after this resolution passes we will have a quorum. Of this there will be no doubt. The Chautauqua platform, the practice of law, and the usual avocation back home will have no inducement whatever for the absentee when he finds himself separated from the pay roll. He will hustle in here in a flying machine, if he can hire one at any price.

A public office is a public trust, and a public trust should never be abused by a public officer; but public trusts have been abused here. Let the CONGRESSIONAL RECORD speak. Observe the hundreds of roll calls and note the 200 or more Members *who at each* roll call fail to answer to their names.

I believe when the people elect a man to Congress that constitutes a contract between the Member on one side and his constituents on the other, and I do not believe that any Member has a moral, legal, or political right to violate the contract without being held morally and politically responsible before the country. A Member should have no excuse for being absent while Congress is in session except for sickness of himself or some member of his family, in which case not only the House but his constituents would agree to his absence.

This resolution is the best piece of legislation ever introduced in the House. Make the Members stay here, or, if they insist upon loafing at seaside resorts or on the Chautauqua platform, separate them from the pay roll. The people pay them for staying here while Congress is in session. They have no right to violate this agreement, draw their salary, go back home, and desert their post of duty. What would a farmer think who works from 12 to 15 hours a day if one of his hired hands was absent half the time? Would he feel like paying his servant for full time? Or what would the merchant or banker think if his clerk insisted upon being absent half the time if they were called upon to pay full wages? Think of the millions of laboring men in the country earning a dollar and a half per day, working from 10 to 12 hours per day every day in the year—they are required to be in the factory every morning when the whistle blows and remain at work until quitting time in the evening.

With the Mexican War situation on our hands, with all Europe engaged in a holocaust, with our President working day and *night to keep us* out of war with Mexico and doing his utmost to keep us from becoming embroiled in a foreign war, and needing the assistance of every Member of the House, patriotism to duty requires that we be on guard as the representatives of the people. Let no man fail to do his duty, let no man shirk responsibility, let the Member either stay here or else decently resign, and let another take his place, or else let him willingly separate himself from the pay roll and turn the money back into the Public Treasury which he does not and can not earn while absent from here. [Applause.]

Mr. ALLEN. Mr. Speaker, will the gentleman from Alabama yield to me for an inquiry?

Mr. UNDERWOOD. I will.

Mr. ALLEN. I notice that the resolution provides that absence on account of sickness shall be affected also.

Mr. UNDERWOOD. That is the law.

Mr. ALLEN. That is the law?

Mr. UNDERWOOD. Yes. The law provides that the Sergeant at Arms shall deduct a Member's salary when he is absent unless he is excused on account of sickness for himself and his family, and the resolution complies with the law.

Mr. OGLESBY. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from New York?

Mr. UNDERWOOD. Yes.

Mr. OGLESBY. I will ask the gentleman if he will amend his resolution so as to make it applicable from the beginning of the session? [Applause on the Republican side.]

Mr. UNDERWOOD. No; we can not do that. [Laughter on the Republican side.] Mr. Speaker, so far as I am concerned, I would do it very cheerfully. It will not affect me in any way. But——

Mr. FALCONER. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. I can not, of course, tell the Sergeant at Arms to call back that which has passed under the hopper.

Mr. FALCONER. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. FALCONER. What is the objection to making this resolution cover all absentees from the beginning of the session, in all fairness to the Members of the House, those who have had primaries and those who have not?

Mr. UNDERWOOD. I have no objection to that in a separate resolution if you want to introduce it. I am not willing to have this resolution amended now because it is offered for a particular purpose, and that is to bring the Members back to Washington.

Mr. MANN. Will the gentleman yield for a question?

Mr. UNDERWOOD. I will yield.

Mr. MANN. Would the gentleman be willing to yield to me for the purpose of offering an amendment, so as to test the sense of the House as to extending the deduction of pay back to the beginning of the session or the beginning of the Congress?

Mr. UNDERWOOD. No; I am not willing to yield at this time for that purpose, because I think the resolution I have offered covers the question.

Mr. MANN. While the resolution is under consideration will the gentleman yield?

Mr. UNDERWOOD. The difference is this——

Mr. MANN. I am asking the gentleman whether he is willing to yield for that purpose?

Mr. UNDERWOOD. So far as the gentleman from Illinois [Mr. MANN] and myself are concerned, we have not been away except on account of sickness when the House was transacting business, but a good many other Members have been away at times when they did not realize that there was any penalty. I am not prepared at this time to penalize those Members without notice. I would not attempt to do so now if the necessities of the occasion did not require it. I stated over three weeks ago that it was necessary for the House to maintain a working quorum here at all times and gave notice that if a working quorum was not maintained I would at least test the sentiment of this House and give it an opportunity to vote on this resolution. In the last few days we have been barely getting a quorum. Most of our time has been spent in efforts to get a quorum, and now, Mr. Speaker, I think the time has come——

Mr. MANN. Will the gentleman yield for a further question?

Mr. UNDERWOOD. I will.

Mr. MANN. I notice that the resolution revokes all leaves of absence, so that hereafter a Member who is absent, no matter what the excuse may be, unless he gets a further leave, will not be able to draw his salary.

Mr. UNDERWOOD. I take it that this resolution can not change the law.

Mr. MANN. No; but the law provides that the deduction shall be made except when the man is excused by reason of illness of himself or family; but that excuse has to be obtained in the House.

Mr. UNDERWOOD. I am not sure about that.

Mr. MANN. I am.

Mr. UNDERWOOD. My recollection is that the law provides that a man shall not draw his salary unless he is absent on account of sickness.

Mr. MANN. Unless he is excused, as I recall it, and the leave has to be given by the House, and the gentleman proposes to revoke leaves of absence which have been granted on account of illness.

Mr. UNDERWOOD. I take it that the House can regrant leaves of absence on account of sickness.

Mr. MANN. It can by unanimous consent, which will probably not be granted.

Mr. J. M. C. SMITH. Will the gentleman yield for a question?

Mr. UNDERWOOD. I will.

Mr. J. M. C. SMITH. I should like to ask the gentleman whether it is contemplated by the resolution that a Member is to be considered in attendance when he is not in his seat during the hours of the session, or whether he complies with the resolution when he is getable when he is needed, and is in the city of Washington.

Mr. UNDERWOOD. As I understand it, the resolution does not fix the status. The law fixes it, and that law has been on the statute book for many years. The law provides that when a man is absent on any ground, except that of sickness of himself or his family, his salary shall be deducted. I did not understand that to mean that a man shall be in the Hall of the House every minute of the day.

Mr. BURKE of South Dakota. Will the gentleman yield for a question?

Mr. UNDERWOOD. I do.

Mr. BURKE of South Dakota. If a Member is absent from the House here for five or six days and there is no roll call in the meantime, how is the Sergeant at Arms to know whether he is absent, or whether he has been present?

Mr. UNDERWOOD. That is a question for the Sergeant at Arms to determine, and it may be possible that some gentlemen may escape the penalty; but I have no doubt the Sergeant

at Arms will attempt to do his duty, just as the Sergeant at Arms did in the Fifty-third Congress. This resolution was passed in the Fifty-third Congress.

Mr. MADDEN. I presume the Sergeant at Arms will be required to keep a time book, and have every Member stop and ring the clock as he passes the door of the Sergeant at Arms. [Laughter.]

Mr. UNDERWOOD. I suppose the Sergeant at Arms can attend to that proposition when he gets to it.

Mr. PAYNE. Will the gentleman allow me?

Mr. MADDEN. I should like a minute or two.

Mr. FALCONER. Will the gentleman yield?

The SPEAKER. To whom does the gentleman from Alabama yield?

Mr. UNDERWOOD. Does the gentleman from Washington [Mr. FALCONER] desire time?

Mr. FALCONER. I want a little time.

Mr. UNDERWOOD. How much time?

Mr. FALCONER. Two or three minutes.

Mr. UNDERWOOD. Does the gentleman from New York [Mr. PAYNE] desire to ask me a question?

Mr. PAYNE. I want a few minutes, to speak about the Fifty-third Congress. I was here——

Mr. GARRETT of Texas. Would the gentleman from Alabama object to having his resolution amended so as to provide that immediately upon the approval of the Journal each morning there shall be a roll call, and the absentees determined from that roll call unless excused during the day?

Mr. UNDERWOOD. I will say to the gentleman from Texas that I have no objection to that if it is necessary, but the Sergeant at Arms can first try the other way, and if he can not work it out in any other way——

Mr. GARRETT of Texas. I suppose Members could get here in time for that roll call.

Mr. ADAMSON. There is no trouble about getting a roll call at any time. We have half a dozen every day.

Mr. HEFLIN. Mr. Speaker, before this debate is concluded I should like about two minutes.

Mr. UNDERWOOD. I will yield to the gentleman, but I will first yield to the gentleman from Washington [Mr. FALCONER].

The SPEAKER. How much time does the gentleman yield?

Mr. UNDERWOOD. Two minutes.

The SPEAKER. The gentleman from Washington is recognized for two minutes.

Mr. FALCONER. Mr. Speaker, this is a perfectly lovely time for the gentleman from Alabama to present a resolution of this character. I doubt very much whether a single Member from the State of Alabama did not find it convenient for some reason or other to spend a certain number of days in his State before the primaries. It may have been on account of "illness" or it may have been for personal political aggrandizement. I want to say, Mr. Speaker, that I and other Members from the State of Washington have been on the floor of this House practically every day during this session of Congress. We have heard complaints here at times about western Members getting too much consideration at the hands of Congress, but there have been times when the western Members largely represented the total number of Members on the floor of the House. The delegation from New York, the delegation from Alabama, the delegation from practically every Southern State and from many of the Northern States have found it convenient to be away from here just before their primaries. To-day South Carolina is holding primaries and not a Member of that delegation is present, and these primaries mark the last of the Southern State contests. Now, Mr. Speaker, in the State of Washington we have as lively a lot of political workers as are to be found in any State in the Union. Just at this time the pressure is great for some of us to go home and make a fight for our respective candidacies. We had hoped that we might have a week's vacation to go home and vote. We had not thought of shirking our duty. We had hoped, however, that the Democratic two-thirds majority would see to it that a sufficient number of Democrats would be present to maintain a working quorum to uphold the hands of the President in these stirring times of war, when problems involving American commerce and shipping are perplexing the minds of men who know the necessity for moving American products.

Why does not the gentleman from Alabama word his resolution to include the absentees of the Alabama delegation who made it convenient to spend their time looking after their own political fortunes during their primary contests rather than giving their mental and physical energy to the work of the House and the welfare of their country?

Mr. UNDERWOOD. I want to say that the gentleman's statement with reference to the Alabama delegation is not true.

Mr. FALCONER. Did not the gentleman from Alabama, in common with his colleagues, find it convenient to go home before the primaries?

Mr. UNDERWOOD. I went back home to vote, and that is all.

Mr. FALCONER. I do not criticize the gentleman for going home to vote. As a matter of courtesy between Members, everyone should be permitted to do that; but, Mr. Speaker, it takes five days to go to the west coast, and I have not been in my State this year. I am a candidate for the United States Senate and have a State-wide contest now on. I have felt that I owed it to myself, my friends, and my constituents to present myself to the voters of my State for a few days preceding the primaries in order that I might personally define my position on national questions, but important legislation has kept me here to this late day.

I am desirous of doing the work I find here in Congress. I appreciate my responsibility as a Member of this body and shall remain to do my duty and discharge my obligation. I vote for the resolution and hope to see many of the long-absent Democratic Members in their seats. My friends who are active in my State know I am here on the job.

Mr. UNDERWOOD. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I take it that in the consideration of a question of this sort the interest of the country should be paramount. Politics should be set aside and patriotism should be the only consideration. Everybody all over the country looks to the Congress to meet whatever situation may arise and to endeavor to settle the troubles pending all over the world. They want the Members of Congress here. Most of the Members of Congress are here the greater part of the time. I have been away sometimes, but never on political business. I believe, however, that whatever is done about deducting the compensation of Members ought to apply to everybody, past, present, and future. I am perfectly willing to have any time that I have been away deducted from my salary, but I want it to apply to every man in the House, not only to-day but to-morrow, yesterday, and the day before. The law provides that it is the duty of the Sergeant at Arms to do so. There is no need for us to tell him how he shall perform his duty. There is no need to say that in the future the Sergeant at Arms must enforce the law. He is under oath to do it. The question is, Who is going to decide whether a man is away on account of sickness in his family or whether he is sick himself; whether he is away because of some important business he has to attend to, or whether he is away because of a political emergency in his district, or whether he is away because he happens to have service on some committee of the House that calls him away? This resolution, so far as it relates to the deduction of the compensation of Members, simply complicates the situation. We agree that the necessity for remaining here comes from the situation throughout the world and the country, but if we are going to deduct a man's pay because of the urgency of the situation, I say that the resolution ought to be so amended as to carry it back the first day of the Congress, making it apply to every man who has been absent from the first to the close.

Mr. UNDERWOOD. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker, it will be observed that the only opposition to this resolution requiring the attendance of Members upon duty in this House comes from the Republican side. It is also apparent, Mr. Speaker, that all during this time there has been a majority of Democrats always in the House. But for that the little remnant of Republicans that you have got could have enacted law. You had to be in the minority. If you had been in the majority, you could have passed your laws.

Some gentlemen over there talk about Democrats being absent. A majority of them are always here. Of course you can come into the House sometimes when debate is long on some question and find the attendance small, but the other Members are close around—in committee, maybe. The Alabama delegation, the most of it, has remained here. I had no opposition.

The gentleman from the Montgomery district did not go home, and he had opposition. The Mississippi delegation did not go home. Others who had opposition did not go home except for a day or two before the primary in order to vote. The gentleman from Illinois speaks about southern Members being absent. The gentleman from Illinois never loses an opportunity to speak about sectional matters, and he tries to stir up sectional feeling and prejudice. Democrats, regardless of the North, East, West, and South, are demanding that the Republicans stay here and perform their duty.

We propose to keep you here now to transact the public business and put through measures that are important to the people

of this country. Emergency conditions have been created, and it is very important to have a resolution like this, and I am glad that there is not a voice on this side of the House raised against it. We propose to keep you here and make you attend to your duty. [Applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I was here when the resolution was passed in the Democratic Fifty-third Congress. I was the victim of the resolution to the extent of two or three days' salary. If this resolution passes now and this House does not have the good sense to adjourn by the 28th of September, when we have our primaries, I shall be a victim then; and if it still lingers in a senseless way, to see if something will not turn up, until we have our registration, a few weeks before election, I shall go home, because I am obliged to be there personally to register, and I will pay my penalty for that privilege.

And if you should not know enough to go home to vote on election day, I shall go, resolution or no resolution. But it will not last that long. It did not in the Fifty-third Congress. It did not last beyond the first month, and then the Sergeant at Arms no longer tried to keep the difference in pay back from any absent Member, although there were absentees then as now. My sympathy goes out to the gentleman from Missouri [Mr. RUSSELL] who the other day obtained leave of absence to go home to attend a convention of the Democratic Party during this week. Leave of absence was granted to him by unanimous consent by this House—Democrats, Republicans, and all. He has now gone home, and it is now the duty of the Sergeant at Arms, or will be—and I warn him of his duty under this resolution, which of course will pass—to deduct that man's pay for the time that he is there in Missouri, although he is there by the consent of the House.

There are other men absent, some of them without leave of absence and some with—not for sickness, but for other reasons. They have gone home, some of them, because of the general rule of the House that when a man wants to go he goes, whether it is to an Alabama primary or at any other time. He goes home. They are all caught by this resolution. It is not to take effect 5 days from now or 10 days from now, but it is to take effect immediately, and it is the duty of the Sergeant at Arms to check up his books every day, and whoever is absent has to pay a fine of about $25 for being absent. This law has been on the statute books for many years, but it has been in innocuous desuetude all of the time except that one month in the Fifty-third Congress, and it will be that way after this month, undoubtedly, in this Congress.

Oh, if you had only a little patriotic spirit and party pride on your side, with your two-thirds majority you would have a quorum here. Why, in the Fifty-first Congress, with only three majority on the Republican side, we mustered day after day a quorum of Republicans, and got within three all of the Republicans here to keep up a majority. [Applause on the Republican side.]

Mr. DONOVAN. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. UNDERWOOD. Mr. Speaker, I promised first to yield to the gentleman from Colorado, and then I will yield to the gentleman from Connecticut. I yield two minutes to the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Speaker, I represent a western constituency, and I have a contest in my primary. A mighty good man is trying to take the Democratic nomination from me, and he is making a vigorous campaign. Yet I feel that this resolution should be adopted, and I shall vote for it. I do not think it is necessary for any Democrat to go home. It is necessary for Republican Members to go home and explain, and it will be a very difficult explanation. All we have to say to our constituents is that we are staying here supporting Woodrow Wilson and his policies. [Applause on the Democratic side.]

Mr. FALCONER. Mr. Speaker, will the gentleman yield?

Mr. KEATING. Certainly.

Mr. FALCONER. Has the Democratic majority had a sufficient number of Members here all of this session to support the President without the assistance of the Progressives and some Republicans?

Mr. KEATING. Oh, yes; the Democratic majority has been here supporting the President, and it is driving a lot of gentlemen on the other side of the aisle into supporting him.

Mr. FALCONER. Have you had a quorum here?

Mr. KEATING. That is sufficient. I will say to the gentleman that I have no desire to make light of the splendid support which the President has received from many gentlemen on that side of the House. I hope this resolution will be carried by Democratic votes. I would not object to inserting an exception to permit some of our Republican friends to go home and explain, but it is not necessary for any such exception to be put in to safeguard Democrats. [Applause on the Democratic side.] We will stay here until this emergency has passed and until we receive word from our leader in the White House that we may go home.

This is not a hastily formed decision so far as I am concerned. My friends in Colorado have repeatedly urged me to return to my district and personally direct my campaign. I have sent the same reply to all in the form of the following letter:

WASHINGTON, D. C., *August 22, 1914.*

MY DEAR FRIEND: I will not return to Colorado to participate in the campaign which will precede the primaries to be held on September 8. My opponents are seeking to take advantage of my absence, and I feel it is only just that my constituents should know why I have determined to remain in Washington while the representatives of the special interests I have refused to serve are "gumshoeing" through every county in my district pleading with the voters to defeat me for renomination.

President Wilson is facing the gravest crisis of his administration. The world's bloodiest war is convulsing Europe. A single diplomatic misstep might plunge our country into the maelstrom. In addition, the President's antitrust program is being held up in the Senate by the powerful interests which are determined that the people shall not secure relief from the exactions of monopoly.

At such a time the President needs the presence and support of every Member of Congress who believes in him and his policies.

So far as I am concerned, I will remain at my post until the big, patient leader in the White House gives the signal to return home.

In pursuing this course I know I am doing what the best men and women of my congressional district would have me do. The issues before the voters of the third district are easily understood:

I stand for Woodrow Wilson and his policies.

My opponents refuse to publicly indorse the President and in private they bitterly denounce him and his policies.

There is no reason why voters who believe in Wilson should vote against me, but there is every reason why those who are opposed to the President should exert themselves to bring about my defeat.

Yours, sincerely,

EDWARD KEATING.

Mr. Speaker, the people of this country are behind Woodrow Wilson to-day as they have not been behind any President since Lincoln's time. They believe in him and they want us to support him with a whole-hearted earnestness which will wipe out party lines.

I am sure Congress will respond to this popular demand.

Mr. UNDERWOOD. Mr. Speaker, I yield two minutes to the gentleman from Connecticut [Mr. DONOVAN].

Mr. DONOVAN. Mr. Speaker, can not the gentleman yield me more than that?

Mr. UNDERWOOD. I have only five or six minutes left, and that time has been promised to other gentlemen.

Mr. DONOVAN. Mr. Speaker, I hope the Speaker will not put his eye on the watch too soon. I am going to read what should be under the hair of every Member of this House:

It is not right, as I see it, for a man to take the Government money for the discharge of the duties of an office and then neglect the duties of that office. I do not propose to neglect the duties of that office and go on the lecture platform and lecture for money.

That is language used by a respected Member of this House, one of the greatest presiding officers a democratic form of Government has ever had [applause], and each and every Member here ought to remember those plain, wholesome words.

Mr. Speaker, this is a most peculiar spectacle which we have witnessed here, one after another Member getting up and using the personal pronoun. There is none to be used. You took the oath to perform the duties pertaining to the office, not to evade them; and the gentleman from Illinois [Mr. MANN] has been many times wrong, most influential as he is. If he had insisted upon his associates being as faithful in the performance of their duties as he himself has been, more of them would have been here; and let me say right here, and it is not flattery, because it is a fact—it is probably without parallel—that no man attends to his duty like the gentleman from Illinois [applause], and no man has the knowledge of the duties of his office compared with him, and still he is criminal when he winks his eye and allows his associates to evade the law. [Applause.] He allowed his lieutenant to go home for four months at a time to become a governor of a great State, and he is criminal when he allows his lieutenant to take a trip to Europe, with his knowledge and consent and without objection; and then he picks out an unsophisticated Member from some other State and holds him up as a picture to be scolded, as a picture to be scorned, as a picture to be made the subject of this resolution.

Our friends on the other side of the Chamber tell us that they are the brains; they tell us that they have the ability; they tell us they should have the care of all of the finance, all of the commerce, and all of the virtue there is in this country, and they set an example for us by neglecting their duties. They tell us that it is necessary. The gentleman from Massachusetts [Mr. GILLETT] is the person who told us that the presence

of a minority prevented abuses. Where is he? What a picture! The gentleman from Illinois [Mr. MADDEN] has not been here for two weeks, and the first voice from him this morning was the point of no quorum. [Laughter.] Well, he could not have made it many times in the last 9 weeks, when he has been here only 14 days, and those days afforded the only chance he has had of making it. He announces his presence with, "Mr. Speaker, no quorum." But the gentleman from Illinois, the leader, is to blame for this condition, for he acquiesced to his colleague's absence. [Applause.] Last October attention was called to absenteeism in this body by myself, nearly a year ago——

The SPEAKER. The time of the gentleman has expired. [Cries of "Vote!"]

Mr. UNDERWOOD. I will state to the House there are three gentlemen to whom I desire to yield, which will consume six minutes, and then I will move the previous question. I yield two minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker, this, it seems, is the psychological moment for the introduction of a resolution to force Members back to their seats in order to keep a quorum. The last of the primaries in the Southern States is being held to-day, while in most of the Northern and Western States the primaries are yet to be held. Primaries in the State of Washington will be held September 8—exactly two weeks from to-day—and it takes a Washington Member almost a week to go to his State. Besides, as my colleague [Mr. FALCONER] has said, the members of the Washington delegation have not had even a chance to register, and are thus disfranchised. We have been here, are here, and are willing to stay; but nevertheless the resolution is unfair to those who have kept their shoulders at the wheel, and who were promised that other Members, now away, would be brought in to relieve those who have remained here all last summer, all last winter, and all this summer, helping to keep a bare quorum.

I have been here, Mr. Speaker, since the special session was called in April, 1913, have answered nearly all the roll calls, and yet it is being stated in some newspapers away out in my State that Mr JOHNSON of Washington is just getting back from Europe, where, as a matter of fact, he has never been. One paper explains by saying it must have been Mr. JOHNSON of Kentucky, whereas I happen to know he has been here in the House almost all summer.

I can not let this opportunity go by without referring to the efforts on the Democratic side of the aisle of the battle-scarred veteran from Connecticut [Mr. DONOVAN] to keep a quorum on this floor. His efforts started almost a year ago, when he called attention to absenteeism. Although injured in an accident Saturday he is here to-day, all patched up, and helping to make and to keep a quorum on the floor.

It pleases me to refer to the gentleman from Mississippi [Mr. WITHERSPOON], who, having been away, grandly turned back some of his salary, without waiting for a resolution. For once I am with those gentlemen and for the resolution, in spite of its apparent unfairness to those who have kept on the job.

Mr. UNDERWOOD. Mr. Speaker, I yield two minutes to the gentleman from New Hampshire [Mr. STEVENS].

Mr. STEVENS of New Hampshire. Mr. Speaker, I am a northern Democrat. The primaries in our State come a week from to-day. I shall be as hard hit as any man in this House by this resolution. I had intended to go home to-day, being a candidate for the nomination for United States Senator. [Applause.] I have stayed here all through the summer up until to-day, when my own private interests for the last few weeks required me to be in New Hampshire; but I shall vote for this resolution. The only question before us is this: Do we need this resolution to-day to enforce a quorum to transact important public business growing out of the war? It is apparent that we do, and I do not think it is any time for partisan criticism or any time for sectional criticism. [Applause.]

I realize that a great many southern Members have been home during the primaries, but until very recently we have had Members enough here to make a quorum. It does no good to rake up the past. We need a quorum to-day and for the rest of the session. I am willing to vote for this resolution, and if I must go home I am willing to have my salary docked. I have had a little experience in turning back salary into the National Treasury. I was elected to this House at the last election, and I was also a member of the New Hampshire Legislature. We had several very important measures before the State legislature and the election of a United States Senator. I kept my seat in the State body until the 23d of April, when I came down here and was sworn in. On that same day I turned back into the Treasury of the United States $1,000 of salary. [Applause.] Mr. Speaker, I think it is the duty of every Democrat, whether northern or southern—that it is the duty of every Republican—to vote for any resolution that will compel the attendance of a quorum here and to remain here until the important legislation before us is passed. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, I yield two minutes to the gentleman from New Hampshire [Mr. REED].

Mr. REED. Mr. Speaker, had I anticipated my colleague from New Hampshire [Mr. STEVENS] was to be recognized I think I should not have asked for time. I simply want to reiterate many of the things he said. I am a northern Democrat, and the Democratic national committeeman representing my party in the State. The Democratic primaries are to be held in the State of New Hampshire on the first day of September, and I have felt that as one of the leaders of my party I should be in New Hampshire. I am scheduled to speak on three or four occasions between now and that date. I do not know of anything that will afford me greater pleasure than to vote for this resolution, or greater regret than to send telegrams of regret canceling my engagements in New Hampshire if it passes. [Applause.] I believe it is the duty of every Democrat on the floor of this House, as has been well said by the gentleman from Colorado [Mr. KEATING] to stay here and hold ourselves in readiness for any emergency that might come about by the embroiled conditions of war abroad, and I am one of those who support this resolution and are willing to remain here and vote for any such emergency legislation that may arise, and give my loyal support, as I have from the very first day I came here, to an administration, the leader of which is that great statesman Woodrow Wilson. [Applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Speaker, I send to the Clerk's desk the law and ask the Clerk to read section 40 of the Revised Statutes, and then I will move the previous question.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 40. The Secretary of the Senate and Sergeant at Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

Mr. UNDERWOOD. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. DONOVAN. Division, Mr. Speaker.

Mr. MANN. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Connecticut [Mr. DONOVAN] and the gentleman from Illinois [Mr. MANN] ask for a division.

Mr. MADDEN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. If the gentleman will withhold that for half a minute, we will accomplish two things at one time.

The House divided; and there were—ayes 141, noes 18.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order there is no quorum present; evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 212, nays 27, answered "present" 8, not voting 184, as follows:

YEAS—212

Abercrombie	Burnett	Edmonds	Gudger
Adamson	Byrns, Tenn.	Edwards	Hamlin
Alexander	Cantrill	Evans	Hammond
Allen	Caraway	Falconer	Hardy
Anderson	Carlin	Farr	Harris
Ashbrook	Carr	Fergusson	Hart
Bailey	Carter	Ferris	Haugen
Barnhart	Cary	Fields	Hawley
Barton	Casey	FitzHenry	Hay
Bathrick	Clark, Fla.	Floyd, Ark.	Hayden
Beakes	Claypool	Fowler	Heflin
Bell, Cal.	Cline	Frear	Helgesen
Blackmon	Connelly, Kans.	French	Helm
Booher	Cox	Garner	Hill
Borchers	Crosser	Garrett, Tenn.	Holland
Borland	Cullop	Garrett, Tex.	Houston
Bowdle	Dale	Gilmore	Howard
Britten	Davenport	Gittins	Hughes, Ga.
Brodbeck	Dent	Godwin, N. C.	Humphrey, Wash.
Broussard	Dershem	Goeke	Humphreys, Miss.
Brown, W. Va.	Donohoe	Goodwin, Ark.	Jacoway
Bruckner	Donovan	Gordon	Johnson, Ky.
Bryan	Doughton	Gorman	Johnson, Wash.
Buchanan, Ill.	Driscoll	Goulden	Jones
Buchanan, Tex.	Drukker	Gray	Keating
Burgess	Dunn	Gregg	Keister
Burke, Wis.	Dupré	Griffin	Kelly, Pa.

Kennedy, Iowa	Morrison	Rothermel	Sutherland
Kettner	Moss, Ind.	Rouse	Taggart
Kinkaid, Nebr.	Mulkey	Rucker	Talbott, Md.
Kitchin	Murray, Okla.	Rupley	Talcott, N. Y.
Korbly	Neely, W. Va.	Scott	Tavenner
Lee, Ga.	Nelson	Scully	Taylor, Ark.
Lee, Pa.	Oglesby	Sells	Taylor, Colo.
Lesher	O'Hair	Sims	Taylor, N. Y.
Lewis, Md.	Oldfield	Sinnott	Thomas
Lieb	Page, N. C.	Sisson	Thompson, Okla.
Linthicum	Paige, Mass.	Slayden	Thomson, Ill.
Lloyd	Park	Small	Towner
Lobeck	Patten, N. Y.	Smith, Idaho	Tribble
Logue	Post	Smith, J. M. C.	Tuttle
Lonergan	Pou	Smith, Md.	Underwood
McClellan	Prouty	Smith, Minn.	Vaughan
McKellar	Quin	Smith, Tex.	Walsh
McLaughlin	Raker	Sparkman	Walters
MacDonald	Rauch	Stafford	Watson
Maguire, Nebr.	Rayburn	Stanley	Weaver
Manahan	Reed	Stedman	Webb
Mapes	Reilly, Conn.	Stephens, Nebr.	Williams
Mitchell	Reilly, Wis.	Stephens, Tex.	Wilson, Fla.
Montague	Roberts, Mass.	Stevens, N. H.	Wilson, N. Y.
Moon	Roberts, Nev.	Stone	Wingo
Morgan, Okla.	Rogers	Stout	Young, Tex.

NAYS—27.

Burke, S. Dak.	Greene, Vt.	Norton	Stevens, Minn.
Curry	Howell	O'Shaunessy	Vare
Danforth	Johnson, Utah.	Payne	Volstead
Deitrick	Kahn	Platt	Witherspoon
Gallagher	Kindel	Seldomridge	Woods
Good	Mann	Sloan	Young, N. Dak.
Greene, Mass.	Mondell	Stephens, Cal.	

ANSWERED "PRESENT"—8.

Avis	Helvering	La Follette	Slemp
Bartlett	Henry	Moss, W. Va.	Smith, Saml. W.

NOT VOTING—184.

Adair	Dillon	Hull	O'Brien
Aiken	Dixon	Igoe	O'Leary
Ainey	Dooling	Johnson, S. C.	Padgett
Ansberry	Doolittle	Kelley, Mich.	Palmer
Anthony	Doremus	Kennedy, Conn.	Parker
Aswell	Eagan	Kennedy, R. I.	Patton, Pa.
Austin	Eagle	Kent	Peters
Baker	Elder	Key, Ohio	Peterson
Baltz	Esch	Kless, Pa.	Phelan
Barchfeld	Estopinal	Kinkead, N. J.	Plumley
Barkley	Fairchild	Kirkpatrick	Porter
Bartholdt	Faison	Knowland, J. R.	Powers
Beall, Tex.	Fess	Konop	Ragsdale
Bell, Ga.	Finley	Kreider	Rainey
Brockson	Fitzgerald	Lafferty	Riordan
Brown, N. Y.	Flood, Va.	Langham	Rubey
Browne, Wis.	Fordney	Langley	Russell
Browning	Foster	Lazaro	Sabath
Brumbaugh	Francis	L'Engle	Saunders
Bulkley	Gallivan	Lenroot	Shackleford
Burke, Pa.	Gard	Lever	Sherley
Butler	Gardner	Levy	Sherwood
Byrnes, S. C.	George	Lewis, Pa.	Shreve
Calder	Gerry	Lindbergh	Smith, N. Y.
Callaway	Gill	Lindquist	Steenerson
Campbell	Gillett	Loft	Stephens, Miss.
Candler, Miss.	Glass	McAndrews	Stringer
Cantor	Goldfogle	McCoy	Sumners
Carew	Graham, Ill.	McGillicuddy	Switzer
Chandler, N. Y.	Graham, Pa.	McGuire, Okla.	Taylor, Ala.
Church	Green, Iowa	McKenzie	Temple
Clancy	Griest	Madden	Ten Eyck
Coady	Guernsey	Mahan	Thacher
Collier	Hamill	Maher	Townsend
Connolly, Iowa	Hamilton, Mich.	Martin	Treadway
Conry	Hamilton, N. Y.	Merritt	Underhill
Cooper	Hardwick	Metz	Vollmer
Copley	Harrison	Miller	Walker
Covington	Hayes	Moore	Wallin
Cramton	Hensley	Morgan, La.	Watkins
Crisp	Hinds	Morin	Whaley
Davis	Hinebaugh	Mott	Whitacre
Decker	Hobson	Murdock	White
Dickinson	Hoxworth	Murray, Mass.	Willis
Dies	Hughes, W. Va.	Neeley, Kans.	Winslow
Difenderfer	Hulings	Nolan, J. I.	Woodruff

So the resolution was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. GLASS with Mr. SLEMP.

Mr. METZ with Mr. WALLIN.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Until further notice:

Mr. ADAIR with Mr. GILLETT.

Mr. ASWELL with Mr. AINEY.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. SABATH with Mr. SWITZER.

Mr. RIORDAN with Mr. POWERS.

Mr. STEPHENS of Mississippi with Mr. TREADWAY.

Mr. GRAHAM of Illinois with Mr. PATTON of Pennsylvania.

Mr. WALKER with Mr. BROWNING.

Mr. UNDERHILL with Mr. STEENERSON.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. CHURCH with Mr. MCGUIRE of Oklahoma.

Mr. CALLAWAY with Mr. WILLIS.

Mr. PHELAN with Mr. KIESS of Pennsylvania.

Mr. KONOP with Mr. HAMILTON of Michigan.

Mr. DOOLITTLE with Mr. HAYES.

Mr. HENSLEY with Mr. FARR.

Mr. GALLIVAN with Mr. KREIDER.

Mr. RUSSELL with Mr. LA FOLLETTE.

Mr. RUBEY with Mr. LANGHAM.

Mr. SAUNDERS with Mr. MILLER.

Mr. SHACKLEFORD with Mr. PLUMLEY.

Mr. DECKER with Mr. SHREVE.

Mr. LAZARO with Mr. PARKER.

Mr. DALE with Mr. MARTIN.

Mr. MORGAN of Louisiana with Mr. LINDQUIST.

Mr. BELL of Georgia with Mr. CALDER.

Mr. PADGETT with Mr. MORIN.

Mr. FITZGERALD with Mr. MOORE.

Mr. WHALEY with Mr. WOODRUFF.

Mr. FOSTER with Mr. FORDNEY.

Mr. FRANCIS with Mr. FESS.

Mr. GOLDFOGLE with Mr. FAIRCHILD.

Mr. SHERLEY with Mr. PORTER.

Mr. SHERWOOD with Mr. MOTT.

Mr. PETERSON with Mr. PETERS.

Mr. DICKINSON with Mr. GRAHAM of Pennsylvania.

Mr. ELDER with Mr. WINSLOW.

Mr. HENRY with Mr. HINDS.

Mr. BARKLEY with Mr. BURKE of Pennsylvania.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. LEVER with Mr. MERRITT.

Mr. JOHNSON of South Carolina with Mr. HULINGS.

Mr. FINLEY with Mr. SAMUEL W. SMITH.

Mr. AIKEN with Mr. ANTHONY.

Mr. BALTZ with Mr. CAMPBELL.

Mr. RAINEY with Mr. BARCHFELD.

Mr. CANDLER of Mississippi with Mr. BARTHOLDT.

Mr. COLLIER with Mr. DAVIS.

Mr. DIXON with Mr. COOPER.

Mr. DOREMUS with Mr. GRIEST.

Mr. ESTOPINAL with Mr. CHANDLER of New York.

Mr. FLOOD of Virginia with Mr. COPLEY.

Mr. GRAHAM of Illinois with Mr. CRAMTON.

Mr. HARRISON with Mr. DILLON.

Mr. HULL with Mr. MCKENZIE.

Mr. IGOE with Mr. BROWNE of Wisconsin.

Mr. KEY of Ohio with Mr. HINEBAUGH.

Mr. MCCOY with Mr. LANGLEY.

Mr. SHERLEY with Mr. J. I. NOLAN.

Mr. WATKINS with Mr. TEMPLE.

Mr. MCANDREWS with Mr. LAFFERTY.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

EXTENSION OF REMARKS.

Mr. CARTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Oklahoma [Mr. CARTER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

REVOKING LEAVES OF ABSENCE, ETC.

Mr. BYRNS of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BYRNS of Tennessee. It is this: Does the passage of this resolution serve to revoke all previous excuses that have been granted on account of sickness?

Mr. MANN. It revokes all leaves of absence, Mr. Speaker.

The SPEAKER. The Chair supposes that is correct.

Mr. MANN. I shall object to granting any leaves of absence.

Mr. BYRNS of Tennessee. Mr. Speaker, the gentleman from Tennessee, Mr. AUSTIN, for a great number of weeks has been very seriously ill and wholly prevented from attending the sessions of the House. He is now at Jefferson Hospital——

Mr. MANN. At Philadelphia. I had a letter from him this morning.

Mr. BYRNS of Tennessee. I ask unanimous consent that Mr. AUSTIN be excused from further attendance on the sessions of the House, on account of sickness.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman will allow me, I see no reason why leave of absence should be granted because Mr. AUSTIN is sick. It does not affect his salary. The man to determine whether sickness shall or shall not prevent the deduction of salary is the Sergeant at Arms.

All that the gentleman from Tennessee, Mr. AUSTIN, has to do when he comes back here is to show to the Sergeant at Arms that he has been sick, and his salary will not be deducted, regardless of the action of the House.

Mr. MANN. I am informed that Mr. AUSTIN is quite ill.

The SPEAKER. The Chair will state, after reading this resolution over again, that it does not revoke leaves of absence at all.

Mr. MANN. The way it was read by the Clerk it did.

The SPEAKER. It says:

Resolved further, That the Sergeant at Arms is hereby directed—

Mr. MANN. The very first provision in it revokes all leaves of absence.

The SPEAKER. That is true. The Chair was mistaken about that. The Chair will state his recollection for the benefit of other Members, a great many of whom never had anything to do with it, that in the Fifty-third Congress, in the summer of 1894, this statute was enforced, and I paid $28 and some cents myself to go down in Virginia to make two speeches. But my recollection about it is that the Sergeant at Arms had some kind of a document down there that you had to sign, and you certified how many days you had been absent. If you did not make the certification you would have been here every day.

Mr. MANN. The honest men got penalized.

The SPEAKER. That may be perfectly true; and Speaker Reed sneered at the statute as "a police court regulation." That is the way he put it. Nevertheless it had the effect of keeping a quorum here.

Mr. PAYNE. Mr. Speaker, my recollection about the enforcement of that statute is that there was a certificate gotten up by the Sergeant at Arms which the Members of the House were required to sign, and most of them certified that they were present during the whole time. I think there were only about half a dozen of us—and I was included in that number—that suffered any deduction from our salary on account of it, and my recollection is that nobody suffered after the first month, and that they overlooked the certificate.

The SPEAKER. It was not enforced except at the end of the consideration of the Wilson-Gorman tariff bill.

Mr. MANN. I will make it my business to see that it is enforced until the 4th of March.

The SPEAKER. I hope the gentleman will.

Mr. MANN. And I will see that no false statements are made downstairs, either.

LEAVES OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal requests, which the Clerk will read.

The Clerk read as follows:

Mr. SLEMP requests leave of absence for Representative AUSTIN, indefinitely, on account of sickness. Representative AUSTIN is now confined in Jefferson Hospital, Philadelphia, on account of serious illness.

Mr. GLASS requests leave of absence for one week——

Mr. MANN. Mr. Speaker, let us have each one disposed of at a time.

The SPEAKER. Is there objection to the request in behalf of Mr. AUSTIN for leave of absence on account of sickness?

There was no objection.

The Clerk read as follows:

Mr. GLASS requests leave of absence, for one week, on account of illness.

(Signed) C. A. KORBLY.

The SPEAKER. Is there objection to this request?

Mr. MANN. Is Mr. GLASS ill?

The SPEAKER. He is. He has been ill for several weeks. He is threatened with nervous prostration. The last time he was here he came up to the Speaker's desk and explained the condition he was in and had been in for the last three or four weeks. Is there objection?

There was no objection.

The Clerk read as follows:

Mr. KINDEL requests leave of absence, indefinitely, on account of sickness in family.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Mr. CRISP requests leave of absence, indefinitely, on account of illness.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Mr. STOUT requests leave of absence, for two days, on account of illness.

The SPEAKER. Is there objection?

Mr. MANN. Is he ill?

Mr. EVANS. He is. I saw him this morning. I do not think he has missed a day in the House in the last year.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Mr. MARTIN requests leave of absence, indefinitely, on account of illness.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed joint resolution and bill of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6266. An act to authorize the Secretary of Agriculture to license cotton warehouses, and for other purposes; and

S. J. Res. 181. Joint resolution authorizing the Secretary of War to permit the contractor for building locks on Black River to proceed with the work without interruption to completion.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 30.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume the proceedings in Congress upon the acceptance of the statue of the late George Washington Glick 16,500 copies, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for the use and distribution by the Senators and Representatives in Congress from the State of Kansas. The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure a suitable plate of said statue to accompany the proceedings.

SENATE BILL AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

Senate concurrent resolution 30.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume the proceedings in Congress upon the acceptance of the statue of the late George Washington Glick 16,500 copies, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for use and distribution by the Senators and Representatives in Congress from the State of Kansas. The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure a suitable plate of said statue to accompany the proceedings—

to the Committee on Printing.

S. 6266. An act to authorize the Secretary of Agriculture to license cotton warehouses, and for other purposes; to the Committee on Agriculture.

S. J. Res. 181. Joint resolution authorizing the Secretary of War to permit the contractor for building locks on Black Warrior River to proceed with the work without interruption to completion; to the Committee on Rivers and Harbors.

THE MERCHANT MARINE.

Mr. ALEXANDER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 136) to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea, with an amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] moves to suspend the rules and pass Senate bill 136 with an amendment. The Clerk will report the bill with the amendment read into it which the gentleman from Missouri offers.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

That section 4516 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4516. In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections. This section shall not apply to fishing or whaling vessels or yachts."

SEC. 2. That in all merchant vessels of the United States of more than 100 tons gross, excepting those navigating rivers, harbors, bays, or sounds exclusively, the sailors shall, while at sea, be divided into at least two and the firemen, oilers, and water tenders into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel. The seamen shall not be shipped to work alternately in the fireroom and on deck, nor shall those shipped for deck duty be required to work in the fireroom, or vice versa; but these provisions shall not limit either the authority of the master or other officer or

the obedience of the seamen when, in the judgment of the master or other officer, the whole or any part of the crew are needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo, or for the saving of life aboard other vessels in jeopardy, or when in port or at sea from requiring the whole or any part of the crew to participate in the performance of fire, lifeboat, and other drills. While such vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named days: New Year's Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage. And at all times while such vessel is in a safe harbor nine hours, inclusive of the anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section, the seaman shall be entitled to discharge from such vessel and to receive the wages earned. But this section shall not apply to fishing or whaling vessels or yachts.

SEC. 3. That section 4529 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4529. The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within two days after the termination of the agreement under which he was shipped, or at the time such seaman is discharged, whichever first happens; and in case of vessels making foreign voyages, or from a port on the Atlantic to a port on the Pacific, or vice versa, within 24 hours after the cargo has been discharged, or within four days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall be entitled to be paid at the time of his discharge on account of wages a sum equal to one-third part of the balance due him. Every master or owner who refuses or neglects to make payment in the manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to two days' pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to masters or owners of any vessel the seamen of which are entitled to share in the profits of the cruise or voyage."

SEC. 4. That section 4530 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4530. Every seaman on a vessel of the United States shall be entitled to receive on demand from the master of the vessel to which he belongs one-half part of the wages which he shall have then earned at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended, and all stipulations in the contract to the contrary shall be void: *Provided*, Such a demand shall not be made oftener than once in five days. And when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him, as provided in section 4529 of the Revised Statutes: *Provided*, That notwithstanding any release signed by any seaman under section 4552 of the Revised Statutes any court having jurisdiction may upon good cause shown set aside such release and take such action as justice shall require: *Provided further*, That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement."

SEC. 5. That section 4559 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4559. Upon a complaint in writing, signed by the first and second officers or a majority of the crew of any vessel, while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not or have not been during the voyage sufficient or wholesome, thereupon in any of these or like cases the consul or a commercial agent who may discharge any of the duties of a consul shall cause to be appointed three persons of like qualifications with those described in section 4557, who shall proceed to examine into the cause of complaint and who shall proceed and be governed in all their proceedings as provided by said section."

SEC. 6. That section 2 of the act entitled "An act to amend the laws relating to navigation," approved March 3, 1897, be, and is hereby, amended to read as follows:

"SEC. 2. That on all merchant vessels of the United States the construction of which shall be begun after the passage of this act, except yachts, pilot boats, or vessels of less than 100 tons register, every place appropriated to the crew of the vessel shall have a space of not less than 120 cubic feet and not less than 16 square feet, measured on the floor or deck of that place, for each seaman or apprentice lodged therein, and each seaman shall have a separate berth, and not more than one berth shall be placed one above another; such place or lodging shall be securely constructed, properly lighted, drained, heated, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water. And every such crew space shall be kept free from goods or stores not being the personal property of the crew occupying said place in use during the voyage.

"Every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section, so far as they are applicable thereto, by providing sleeping room in the engine room of such steamboat, properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck, under the direction and approval of the Supervising Inspector General of Steam Vessels, and shall be properly heated.

"All merchant vessels of the United States the construction of which shall be begun after the passage of this act having more than 10 men on deck must have at least one light, clean, and properly ventilated washing place. There shall be provided at least one washing outfit for every 2 men of the watch. The washing place shall be properly heated. A separate washing place shall be provided for the fireroom and engine-room men, if their number exceed 10, which shall be large enough to accommodate at least one-sixth of them at the same time, and have hot and cold water supply and a sufficient number of wash basins, sinks, and shower baths.

"Any failure to comply with this section shall subject the owner or owners of such vessel to a penalty of not less than $50 nor more than $500."

SEC. 7. That section 4596 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4596. Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses, he shall be punished as follows:

"First. For desertion, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

"Second. For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within 24 hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' pay or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute.

"Third. For quitting the vessel without leave after her arrival at the port of her delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

"Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

"Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port by forfeiture, for every 24 hours' continuance of such disobedience or neglect, of a sum of not more than 12 days' pay, or by imprisonment for not more than three months, at the discretion of the court.

Mr. NORTON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. NORTON. Mr. Speaker, as the Speaker well said a few minutes ago, this is one of the most important bills which has come before Congress for five years; and as there are only a handful of gentlemen present on the other side, apparently not a quorum, and as gentlemen of the House should be present to give attention to this bill, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from North Dakota makes the point of no quorum present. It is of no use to go through the motions of counting, because there is no quorum here.

Mr. ALEXANDER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Difenderfer	Kelley, Mich.	Palmer
Adamson	Dillon	Kennedy, Conn.	Parker
Aiken	Dixon	Kennedy, R. I.	Patton, Pa.
Ainey	Dooling	Kent	Payne
Ansberry	Doolittle	Key, Ohio	Peters
Anthony	Doremus	Kiess, Pa.	Peterson
Aswell	Eagle	Kindel	Phelan
Austin	Elder	Kinkead, N. J.	Platt
Baker	Esch	Kirkpatrick	Plumley
Baltz	Estopinal	Knowland, J. R.	Porter
Barchfeld	Fairchild	Konop	Powers
Barkley	Faison	Korbly	Prouty
Bartholdt	Fess	Kreider	Ragsdale
Bartlett	Finley	Lafferty	Rainey
Beall, Tex.	Fitzgerald	Langham	Riordan
Bell, Ga.	Flood, Va.	Langley	Rothermel
Britten	Fordney	Lazaro	Rubey
Brockson	Foster	L'Engle	Russell
Brodbeck	Francis	Lenroot	Sabath
Brown, N. Y.	Gallivan	Lesher	Saunders
Browne, Wis.	Gard	Lever	Shackleford
Browning	Gardner	Levy	Sherley
Brumbaugh	George	Lewis, Pa.	Sherwood
Bulkley	Gerry	Lindbergh	Shreve
Burke, Pa.	Gill	Lindquist	Smith, Idaho
Butler	Gillett	Loft	Smith, N. Y.
Byrnes, S. C.	Glass	Logue	Steenerson
Calder	Goldfogle	McAndrews	Stephens, Miss.
Campbell	Graham, Ill.	McCoy	Stout
Candler, Miss.	Graham, Pa.	McGillicuddy	Stringer
Cantor	Green, Iowa	McGuire, Okla.	Switzer
Carew	Griest	McKenzie	Ten Eyck
Carlin	Guernsey	Mahan	Thacher
Chandler, N. Y.	Hamilton, Mich.	Maher	Townsend
Church	Hamilton, N. Y.	Martin	Treadway
Clancy	Hardwick	Merritt	Tuttle
Coady	Harrison	Metz	Underhill
Collier	Hayes	Miller	Vaughan
Connolly, Iowa	Hensley	Moore	Vollmer
Conry	Hinds	Morgan, La.	Walker
Cooper	Hinebaugh	Morin	Wallin
Copley	Hobson	Mott	Watkins
Covington	Hoxworth	Murdock	Whaley
Cramton	Hughes, W. Va.	Murray, Mass.	Whitacre
Crisp	Hulings	Neeley, Kans.	White
Davis	Hull	Nolan, J. I.	Willis
Decker	Igoe	O'Brien	Wilson, N. Y.
Dickinson	Johnson, S. C.	O'Leary	Winslow
Dies	Keating	Padgett	Woodruff

The SPEAKER pro tempore (Mr. MURRAY of Oklahoma). On this roll call there are 235 Members present—a quorum.

Mr. ALEXANDER. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors. The Clerk will proceed with the reading of the bill.

The Clerk continued the reading of the bill, as follows:

"Sixth. For assaulting any master or mate, by imprisonment for not more than two years.

"Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages

of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than 12 months.

"Eighth. For any act of smuggling for which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability, and he shall be liable to imprisonment for a period of not more than 12 months."

SEC. 8. That section 4600 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4600. It shall be the duty of all consular officers to discountenance insubordination by every means in their power and, where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen or officers are accused the consular officer shall inquire into the facts and proceed as provided in section 4583 of the Revised Statutes; and the officer discharging such seaman shall enter upon the crew list and shipping articles and official log the cause of such discharge and the particulars in which the cruel or unusual treatment consisted and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner."

SEC. 9. That section 4611 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4611. Flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel, and no form of corporal punishment on board of any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section, or either thereof, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than three months nor more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable, provided he has actual knowledge of the misdemeanor or complaint thereof is made within three days after reaching port. Any failure on the part of such master to use due diligence to comply herewith, which failure shall result in the escape of such officer, shall render the master or owner of the vessel liable in damages for such flogging or corporal punishment to the person illegally punished by such officer."

SEC. 10. That section 23 of the act entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December 21, 1898, be, and is hereby, amended as regards the items of water and butter, so that in lieu of a daily requirement of 4 quarts of water there shall be a requirement of 5 quarts of water every day, and in lieu of a daily requriement of 1 ounce of butter there shall be a requirement of 2 ounces of butter every day.

SEC. 11. That section 24 of the act entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December 21, 1898, be, and is hereby, amended to read as follows:

"SEC. 24. That section 10 of chapter 121 of the laws of 1884, as amended by section 3 of chapter 421 of the laws of 1886, be, and is hereby, amended to read as follows:

"'SEC. 10 (a). That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order, or note, or other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $25 nor more than $100, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than $500.

Mr. SLOAN. Mr. Speaker, out of six gentlemen who spoke in favor of the Underwood resolution this morning there are none present——

Mr. COX. The gentleman is entirely mistaken.

The SPEAKER pro tempore. The gentleman from Nebraska is out of order in discussing the Underwood resolution.

Mr. SLOAN. I desire to raise the point of no quorum present. Undoubtedly those gentlemen would be present if they knew this important business was going on.

Mr. COX. The gentleman makes his statement entirely too broad.

Mr. SLOAN. I am willing to except the gentleman from my statement as to those who are absent.

Mr. COX. I have been here all the time. Of course the gentleman makes the point of no quorum properly, because it is absolutely true.

Mr. ALEXANDER. I hope the gentleman will not make the point of no quorum while this bill is being read. It is a bill of the greatest public importance. We are all interested in having it passed, but when it is being read by the Clerk, even if the Members are present, they do not pay any attention to the reading.

Mr. MANN. They ought to. They take an oath that they will. Why should they not?

Mr. ALEXANDER. I agree with the gentleman entirely.

Mr. SLOAN. This is an important bill, and that is why the other five gentlemen who spoke this morning ought to be present here. That is why——

Mr. DONOVAN. Mr. Speaker, regular order.

The SPEAKER pro tempore. The regular order is that the gentleman from Nebraska makes the point of no quorum, and the Chair will count. [After counting.] One hundred and thirty-nine Members present—not a quorum.

Mr. ALEXANDER. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The gentleman from Missouri moves a call of the House.

The question being taken, the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FARR. Division!

The House divided.

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry. I understand there is a rule of this House that when the point of no quorum is made the Doorkeeper is ordered to lock the doors, that the Sergeant at Arms is to notify absentees, and that the Clerk will call the roll. I ask the Speaker to enforce the rule if there be one, which I understand is an ancient rule of this House, that the doors be locked and that Members be kept within the confines of the floor of this House until we can maintain and keep a quorum.

Mr. MANN. There is no such rule.

The SPEAKER pro tempore. The Chair was putting the motion. The Chair will announce that the motion prevails.

Mr. MANN. What was the vote on the division?

The SPEAKER pro tempore. The vote is ayes 83, noes none.

Mr. MANN. I just wanted the RECORD to show that there is not half a quorum here.

The SPEAKER pro tempore. The vote is ayes 83, noes none, and the motion is agreed to. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. BUCHANAN of Illinois. As a matter of record, what was the number present, as counted by the Chair?

The SPEAKER pro tempore. One hundred and thirty-nine Members present. The Clerk will call the roll.

The Clerk proceeded to call the roll, and the following Members failed to answer to their names:

Adair	Difenderfer	Johnson, S. C.	Palmer
Adamson	Dillon	Johnson, Utah	Park
Aiken	Dixon	Kelley, Mich.	Parker
Ainey	Dooling	Kennedy, Conn.	Patton, Pa.
Ansberry	Doolittle	Kennedy, R. I.	Peters
Anthony	Doremus	Kent	Peterson
Aswell	Eagle	Key	Phelan
Austin	Elder	Kiess	Platt
Baker	Esch	Kinkead, N. J.	Plumley
Baltz	Estopinal	Kirkpatrick	Porter
Barchfeld	Fairchild	Knowland, J. R.	Pou
Barnhart	Faison	Konop	Powers
Bartholdt	Fess	Kreider	Prouty
Beall, Tex.	Finley	Lafferty	Ramsdale
Bell, Cal.	Fitzgerald	Langham	Rainey
Bell, Ga.	Flood, Va.	Langley	Riordan
Borland	Fordney	Lazaro	Rubey
Brodbeck	Foster	L'Engle	Russell
Brown, N. Y.	Francis	Lenroot	Sabath
Browne, Wis.	Frear	Lever	Saunders
Browning	Gallivan	Levy	Shackleford
Brumbaugh	Gard	Lewis, Pa.	Sherley
Bulkley	Gardner	Lindbergh	Sherwood
Burke, Pa.	George	Lindquist	Shreve
Butler	Gerry	Loft	Smith, N. Y.
Byrnes, S. C.	Gill	McAndrews	Steenerson
Calder	Gillett	McCoy	Stephens, Miss.
Campbell	Gittins	McGillicuddy	Stout
Candler, Miss.	Glass	McGuire, Okla.	Stringer
Cantor	Goldfogle	McKenzie	Switzer
Cantrill	Graham, Ill.	Mahan	Ten Eyck
Carew	Graham, Pa.	Maher	Thacher
Carter	Green, Iowa	Martin	Townsend
Chandler, N. Y.	Griest	Merritt	Treadway
Church	Gudger	Metz	Tuttle
Clancy	Guernsey	Miller	Underhill
Coady	Hamilton, Mich.	Moore	Vaughan
Collier	Hamilton, N. Y.	Morgan, La.	Vollmer
Connolly, Iowa	Hardwick	Morin	Walker
Conry	Hayes	Mott	Wallin
Cooper	Hensley	Murdock	Watkins
Copley	Hinds	Murray, Mass.	Weaver
Covington	Hinebaugh	Neeley, Kans.	Whaley
Cramton	Hobson	Neely, W. Va.	Whitacre
Crisp	Hoxworth	Nolan, J. I.	White
Davis	Hughes, W. Va.	O'Brien	Willis
Decker	Hulings	Oglesby	Wilson, N. Y.
Dickinson	Hull	O'Leary	Winslow
Dies	Igoe	Padgett	Woodruff

The SPEAKER. Two hundred and thirty-six Members have answered to their names—a quorum.

Mr. ALEXANDER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the request of Mr. DICKINSON for leave of absence for 10 days, on account of sickness.

Mr. MANN. I think he may be able to attend the convention.

The SPEAKER. No; he is sick in bed.

Mr. MANN. Where is he?

The SPEAKER. He is at home.

Mr. RUCKER. Mr. Speaker, I want to say that I had a letter from Mr. DICKINSON within the last three or four days, in which he stated that he was dictating the letter lying in bed and that the doctor said he would have to remain in bed some time.

The SPEAKER. He went home because he was sick, although he was then able to travel, but he has grown worse since he got home.

Mr. MANN. I notice that two-thirds of the Missouri delegation are away from the House by reason of sickness. There are 6 out of 15 here now.

Mr. RUCKER. Oh, there are more than 6.

Mr. MANN. Who are they?

Mr. RUCKER. The gentleman from Illinois has no right to catechize me.

Mr. MANN. I can name those who are here; I have just been over the list.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER laid before the House the request of Mr. CHURCH for leave of absence for 10 days on account of sickness.

Mr. MANN. Reserving the right to object——

Mr. GARRETT of Texas. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Texas. I make the point of order that under the law the gentleman can be excused by assigning as a reason sickness.

Mr. RAKER. Let the facts in this case be stated. Mr. CHURCH has had a doctor for three or four days——

Mr. KINKEAD of New Jersey. Mr. Speaker, I ask unanimous consent that the gentleman from California may make an explanation.

The SPEAKER. He is making the explanation.

Mr. KINKEAD of New Jersey. But the gentleman was proceeding out of order.

Mr. MANN. The gentleman from New Jersey is always quite attentive to his duties.

Mr. KINKEAD of New Jersey. Mr. Speaker, I am sure I am grateful to the gentleman from Illinois, and those of us who see him working so untiringly for his constituents no longer marvel at his brilliant successes at the polls.

Mr. MANN. The gentleman should not leave the House even to be sheriff of Hudson County.

Mr. RAKER. Mr. Speaker, as I was saying in regard to Mr. CHURCH, three or four days ago he came into my office—he has a room just opposite from mine. He was sick and unable to do his work, and had a physician, and was going to take his family and go home. I told him that he had better stay here on the job. I advised him to go to some local place, where he could get a little rest and recreation, and he has done so and will remain.

Mr. MANN. He ought to take the physician's advice.

Mr. RAKER. He took a pretty good one when he took mine.

Mr. MANN. Mr. Speaker, I reserved the right to object for the purpose of saying that a short time ago several Members from Missouri presented with great éclat on the floor of the House a statement that they had asked the President to keep Congress in session and that they would always be found here at his right hand supporting him. To-day there are 6 out of 15 in the House.

Mr. RUCKER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. RUCKER. Merely that the gentleman may be accurate in his remarks, I want to advise him that no Member of the Missouri delegation presented any statement of that kind in the House.

Mr. MANN. It was presented in the House, although it was not exactly in the language that I used, but it was that in substance. I do not know whether it was presented by the gentleman from Missouri [Mr. RUCKER], but some other rank Member from Missouri presented it, and they have now gone home.

Mr. RUCKER. The gentleman from Illinois knows that it was not the gentleman from Missouri [Mr. RUCKER] that presented it, and he is inaccurate about the number of Missourians that are here present to-day.

Mr. MANN. Six out of fifteen are here.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER laid before the House the following request. The Clerk read as follows:

Mr. VARE requests leave of absence for Mr. GRIEST, on account of sickness.

Mr. MANN. Do I understand that he is actually sick?

Mr. VARE. He has been sick for two months.

Mr. TAYLOR of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAYLOR of Colorado. Reserving the right to object, is there any system of determining what constitutes illness, or of obtaining any line on this subject?

The SPEAKER. That is not a parliamentary question. The Chair thinks that when a man is in bed with the attendance of a doctor he is sick.

Mr. HAMLIN. Mr. Speaker, reserving the right to object, I want to state in the interest of truth, in regard to the statement made by the gentleman from Illinois in relation to the absence of Missourians, that, as stated by several Members, Mr. DICKINSON is at home sick in bed. That is the information we all have. I think it is fair to say also that Mr. RUBEY was called home by a telegram announcing the sudden death of his father; that Mr. HENSLEY has gone home to submit to an operation which not only the surgeons here but there told him he must submit to in the near future; that Mr. RUSSELL was excused by the House to go home and attend a convention, and will return in a day or two. I am sure that it is generally known that Judge SHACKLEFORD has not been well for some time. So the criticism submitted by the gentleman from Illinois in regard to the Missouri delegation is entirely gratuitous and not warranted by the facts.

Mr. MANN. I did not state anything but that was an absolute fact. What is the use of saying that it is "entirely gratuitous"?

Mr. HAMLIN. The gentleman from Illinois embellished the facts a little bit.

Mr. MANN. I did not.

Mr. HAMLIN. And intended that an inference should be drawn that certain Members had made certain statements, and then immediately after the primaries left for home.

Mr. MANN. I did not say when they left, and I made no statement of that sort, and I do not think the gentleman should say that the statements were not warranted by the facts.

Mr. HAMLIN. I did not intend that the statement of the gentleman should go unchallenged.

The SPEAKER. It does not make a particle of difference what the Missouri delegation said to the President or the President to the Missouri delegation.

Mr. MANN. I guess that is true. [Laughter on the Republican side.]

The SPEAKER. It is true. It has nothing to do with the proceedings of this House, and it shall not be turned into a hippodrome. [Applause on the Democratic side.] Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. Mr. Speaker, I desire to ask the House to excuse me to-day and from further attendance upon the House, indefinitely. I am here at considerable risk to myself, and I have come now two days in order to try to make a quorum.

The SPEAKER. The Chair is aware of that. The gentleman from Georgia asks unanimous consent for indefinite leave of absence on account of ill health. Is there objection?

There was no objection.

THE MERCHANT MARINE.

The SPEAKER. The Clerk will continue the reading of the bill.

The Clerk continued and concluded the reading of the bill, as follows:

"'(b) That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children.

"'(c) That no allotment shall be valid unless in writing and signed by and approved by the shipping commissioner. It shall be the duty of the said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement and shall state the amounts and times of the payments to be made and the persons to whom the paymenis are to be made.

"'(d) That no allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation, as above described, of a seaman under this section shall for every such offense be punished by a fine not exceeding $500 or imprisonment not exceeding six months, at the discretion of the court.

"'(e) That this section shall apply as well to foreign vessels while in waters of the United States as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has vio-

lated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

"'The master, owner, consignee, or agent of any vessel of the United States, or of any foreign vessel seeking clearance from a port of the United States, shall present his shipping articles at the office of clearance, and no clearance shall be granted any such vessel unless the provisions of this section have been complied with: *Provided*, That treaties in force between the United States and foreign nations do not conflict herewith.

"'(f) That under the direction of the Secretary of Commerce the Commissioner of Navigation shall make regulations to carry out this section.'"

SEC. 12. That no wages due or accruing to any seaman or apprentice employed on a vessel of the United States shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, encumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof shall bind the party making the same, except such allotments as are authorized by this title. This section shall apply to fishermen employed on fishing vessels as well as to seamen: *Provided*, That nothing contained in this or any preceding section shall interfere with the order by any court regarding the payment by any seaman of any part of his wages for the support and maintenance of his wife and minor children. Section 4536 of the Revised Statutes of the United States is hereby repealed.

SEC. 13. That no vessel of 100 tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes where the line of travel is at no point more than 3½ miles from land, and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seaman. Every person shall be rated an able seaman, and qualified for service as such on the seas, who is 19 years of age or upward and has had at least three years' service on deck on a vessel or vessels to which this section applies; and every person shall be rated an able seaman, and quaified to serve as such on the Great Lakes and other lakes, and on the bays or sounds who is 19 years old or upward and has had at least 24 months' service on deck on such vessel or vessels: *Provided*, That upon examination under rules prescribed by the Department of Commerce as to eyesight, hearing, and physical condition he is found to be competent: *And provided further*, That upon examination under rules prescribed by the Department of Commerce as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship men found competent may be rated as able seaman after having served on deck 12 months at sea; but seamen examined and rated able seamen under this proviso shall not in any case compose more than one-fourth of the number of able seamen required by this section to be shipped or employed upon any vessel.

Any person may make application to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit and examination, under rules approved by the Secretary of Commerce, showing the nationality and age of the applicant and the vessel or vessels on which he has had service and that he is entitled to such certificate under the provisions of this section, the board of local inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as prima facie evidence of his rating as an able seaman.

Each board of local inspectors shall keep a complete record of all certificates of service issued by them and to whom issued and shall keep on file the affidavits upon which said certificates are issued.

The collector of customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section: *Provided*, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs, or is scheduled to depart: *Provided further*, That any person that shall knowingly make a false affidavit for such purpose shall be deemed guilty of perjury and upon conviction thereof shall be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or by both such fine and imprisonment, within the discretion of the court. Any violation of any provision of this section by the owner, master, or officer in charge of the vessel shall subject the owner of such vessel to a penalty of not less than $100 and not more than $500: *And provided further*, That nothing herein shall be held or construed to prevent the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, from making rules and regulations authorized by law as to vessels excluded from the operation of this section.

SEC. 14. That section 4488 of the Revised Statutes is hereby amended by adding thereto the following: "The powers bestowed by this section upon the board of supervising inspectors in respect of lifeboat, floats, rafts, life preservers, and other life-saving appliances and equipment, and the further requirements herein as to davits, embarkation of passengers in lifeboats and rafts, and the manning of lifeboats and rafts, and the musters and drills of the crews, on steamers navigating the ocean, or any lake, bay, or sound of the United States, on and after July 1, 1915, shall be subject to the provisions, limitations, and minimum requirements of the regulations herein set forth, and all such vessels shall thereafter be required to comply in all respects therewith."

REGULATIONS.

LIFE-SAVING APPLIANCES.

Standard types of boats.

The standard types of boats classified as follows:

Class.	Section.	Type.
I (Entirely rigid sides.)	A Open.	Internal buoyancy only.
	B Open.	Internal and external buoyancy.
	C Pontoon.	Well deck; fixed water-tight bulwarks.
II (Partially collapsible sides.)	A Open.	Upper part of sides collapsible.
	B Pontoon.	Well deck; collapsible water-tight bulwarks.
	C Pontoon.	Flush deck; collapsible water-tight bulwarks.

STRENGTH OF BOATS.

Each boat must be of sufficient strength to enable it to be safely lowered into the water wnen loaded with its full complement of persons and equipment.

ALTERNATIVE TYPES OF BOATS AND RAFTS.

Any type of boat may be accepted as equivalent to a boat of one of the prescribed classes and any type of raft as equivalent to an approved pontoon raft, if the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, is satisfied by suitable trials that it is as effective as the standard types of the class in question, or as the approved type of pontoon raft, as the case may be.

Motor boats may be accepted if they comply with the requirements laid down for boats of the first class, but only to a limited number, which number shall be determined by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

No boat may be approved the buoyancy of which depends upon the previous adjustment of one of the principal parts of the hull or which has not a cubic capacity of at least 125 cubic feet.

BOATS OF THE FIRST CLASS.

The standard types of boats of the first class must satisfy the following conditions:

1A.—OPEN BOATS WITH INTERNAL BUOYANCY ONLY.

The buoyancy of a wooden boat of this type shall be provided by water-tight air cases, the total volume of which shall be at least equal to one-tenth of the cubic capacity of the boat.

The buoyancy of a metal boat of this type shall not be less than that required above for a wooden boat of the same cubic capacity, the volume of water-tight air cases being increased accordingly.

1B.—OPEN BOATS WITH INTERNAL AND EXTERNAL BUOYANCY.

The internal buoyancy of a wooden boat of this type shall be provided by water-tight air cases, the total volume of which is at least equal to 7½ per cent of the cubic capacity of the boat.

The external buoyancy may be of cork or of any other equally efficient material, but such buoyancy shall not be secured by the use of rushes, cork shavings, loose granulated cork, or any other loose granulated substance, or by any means dependent upon inflation by air.

If the buoyancy is of cork, its volume, for a wooden boat, shall not be less than thirty-three thousandths of the cubic capacity of the boat; if of any material other than cork, its volume and distribution shall be such that the buoyancy and stability of the boat are not less than that of a similar boat provided with buoyancy of cork.

The buoyancy of a metal boat shall be not less than that required above for a wooden boat of the same cubic capacity, the volume of the air cases and external buoyancy being increased accordingly.

1C.—PONTOON BOATS, IN WHICH PERSONS CAN NOT BE ACCOMMODATED BELOW THE DECK, HAVING A WELL DECK AND FIXED WATER-TIGHT BULWARKS.

The area of the well deck of a boat of this type shall be at least 30 per cent of the total deck area. The height of the well deck above the water line at all points shall be at least equal to one-half per cent of the length of the boat, this height being increased to 1½ per cent of the length of the boat at the ends of the well.

The freeboard of a boat of this type shall be such as to provide for a reserve buoyancy of at least 35 per cent.

BOATS OF THE SECOND CLASS.

The standard types of boats of the second class must satisfy the following conditions:

2A.—OPEN BOATS HAVING THE UPPER PART OF THE SIDES COLLAPSIBLE.

A boat of this type shall be fitted both with water-tight air cases and with external buoyancy, the volume of which, for each person which the boat is able to accommodate, shall be at least equal to the following amounts: Air cases, 1.5 cubic feet; external buoyancy (if of cork), two-tenths cubic foot.

The minimum freeboard of boats of this type is fixed in relation to their length; it is measured vertically to the top of the solid hull at the side amidships, from the water level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts:

Length of the boat.	Minimum freeboard.
Feet.	*Inches.*
26	8
28	9
30	10

The freeboard of boats of intermediate lengths is to be found by interpolation.

2B.—PONTOON BOATS HAVING A WELL DECK AND COLLAPSIBLE BULWARKS.

All the conditions laid down for boats of type 1C are to be applied to boats of this type, which differ from those of type 1C only in regard to the bulwarks.

2C.—PONTOON BOATS, IN WHICH THE PERSONS CAN NOT BE ACCOMMODATED BELOW DECK, HAVING A FLUSH DECK AND COLLAPSIBLE BULWARKS.

The minimum freeboard of boats of this type is independent of their lengths and depends only upon their depth. The depth of the boat is to be measured vertically from the underside of the garboard strake to the top of the deck on the side amidships, and the freeboard is to be measured from the top of the deck at the side amidships to the water level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts, which are applicable without correction to boats having a mean sheer equal to 3 per cent of their length:

Depth of boat.	Minimum freeboard.
Inches.	*Inches.*
12	2¾
18	3¾
20	5¼
30	6½

For intermediate depths the freeboard is obtained by interpolation.

If the sheer is less than the standard sheer defined above, the minimum freeboard is obtained by adding to the figures in the table one-seventh of the difference between the standard sheer and the actual mean sheer measured at the stem and sternpost. No deduction is to be made from the freeboard on account of the sheer being greater than the standard sheer or on account of the camber of the deck.

MOTOR BOATS.

When motor boats are accepted, the volume of internal buoyancy and, when fitted, the external buoyancy must be fixed, having regard to the difference between the weight of the motor and its accessories and the weight of the additional persons which the boat could accommodate if the motor and its accessories were removed.

ARRANGEMENTS FOR CLEARING PONTOON LIFEBOATS OF WATER.

All pontoon lifeboats shall be fitted with efficient means for quickly clearing the deck of water. The orifices for this purpose shall be such that the water can not enter the boat through them when they are intermittingly submerged. The number and size of the orifices shall be determined for each type of boat by a special test.

For the purpose of this test the pontoon boat shall be loaded with a weight of iron equal to that of its complement of persons and equipment.

In the case of a boat 28 feet in length 2 tons of water shall be cleared from the boat in a time not exceeding the following: Type 1C, 60 seconds; type 2B, 60 seconds; type 2C, 20 seconds.

In the case of a boat having a length greater or less than 28 feet the weight of water to be cleared in the same time shall be, for each type, directly proportional to the length of the boat.

CONSTRUCTION OF BOATS.

Open lifeboats of the first class (types 1A and 1B) must have a mean sheer at least equal to 4 per cent of their length.

The air cases of open boats of the first class shall be placed along the sides of the boat; they may also be placed at the ends of the boat, but not in the bottom of the boat.

Pontoon lifeboats may be built of wood or metal. If constructed of wood, they shall have the bottom and deck made of two thicknesses with textile material between; if of metal, they shall be divided into water-tight compartments, with means of access to each compartment.

All boats shall be fitted for the use of a steering oar.

PONTOON RAFTS.

No type of pontoon raft may be approved unless it satisfies the following conditions:

First. It should be reversible and fitted with bulwarks of wood, canvas, or other suitable material on both sides. These bulwarks may be collapsible.

Second. It should be of such size, strength, and weight that it can be handled without mechanical appliances, and, if necessary, be thrown from the vessel's deck.

Third. It should have not less than 3 cubic feet of air cases or equivalent buoyancy for each person whom it can accommodate.

Fourth. It should have a deck area of not less than 4 square feet for each person whom it can accommodate, and the platform should not be less than 6 inches above the water level when the raft is loaded.

Fifth. The air cases or equivalent buoyancy should be placed as near as possible to the sides of the raft.

CAPACITY OF BOATS AND PONTOON RAFTS.

First. The number of persons which a boat of one of the standard types or a pontoon raft can accommodate is equal to the greatest whole number obtained by dividing the capacity in cubic feet, or the surface in square feet, of the boat or of the raft by the standard unit of capacity, or unit of surface (according to circumstances), defined below for each type.

Second. The cubic capacity in feet of a boat in which the number of persons is determined by the surface shall be assumed to be ten times the number of persons which it is authorized to carry.

Third. The standard units of capacity and surface are as follows:

Units of capacity, open boats, type 1A, 10 cubic feet; open boats, type 1B, 9 cubic feet.

Unit of surface, open boats, type 2A, 3½ square feet; pontoon boats, type 2C, 3½ square feet; pontoon boats, type 1C, 3¼ square feet; pontoon boats, type 2B, 3¼ square feet.

Fourth. The board of supervising inspectors, with the approval of the Secretary of Commerce, may accept, in place of 3¼, a smaller divisor if it is satisfied after trial that the number of persons for whom there is seating accommodations in the pontoon boat in question is greater than the number obtained by applying the above divisor, provided always that the divisor adopted in place of 3¼ may never be less than 3.

CAPACITY LIMITS.

Pontoon boats and pontoon rafts shall never be marked with a number of persons greater than that obtained in the manner specified in this section.

This number shall be reduced—

First. When it is greater than the number of persons for which there is proper seating accommodation, the latter number being determined in such a way that the persons when seated do not interfere in any way with the use of the oars.

Second. When, in the case of boats other than those of the first two sections of the first class, the freeboard, when the boat is fully loaded, is less than the freeboard laid down for each type respectively. In such circumstances the number shall be reduced until the freeboard when the boat is fully loaded is at least equal to the standard freeboard laid down above.

In boats of types 1C and 2B the raised part of the deck at the sides may be regarded as affording seating accommodation.

EQUIVALENTS FOR AND WEIGHT OF THE PERSONS.

In tests for determining the number of persons which a boat or pontoon raft can accommodate each person shall be assumed to be an adult person wearing a life jacket.

In verifications of freeboard the pontoon boats shall be loaded with a weight of at least 165 pounds for each adult person that the pontoon boat is authoried to carry.

In all cases two children under 12 years of age shall be reckoned as one person.

CUBIC CAPACITY OF OPEN BOATS OF THE FIRST CLASS.

First. The cubic capacity of an open boat of type 1A or 1B shall be determined by Stirling's (Simpson's) rule or by any other method, approved by the Board of Supervising Inspectors, giving the same degree of accuracy. The capacity of a square-sterned boat shall be calculated as if the boat had a pointed stern.

Second. For example, the capacity in cubic feet of a boat, calculated by the aid of Stirling's rule, may be considered as given by the following formula:

$$\text{Capacity} = \frac{l}{12}(4A + 2B + 4C)$$

l being the length of the boat in meters (or feet) from the inside of the planking or plating at the stem to the corresponding point at the stern post; in the case of a boat with a square stern, the length is measured to the inside of the transom.

A, B, C denote, respectively, the areas of the cross sections at the quarter length forward, amidships, and the quarter length aft, which correspond to the three points obtained by dividing l into four equal parts. (The areas corresponding to the two ends of the boat are considered negligible.)

The areas A, B, C shall be deemed to be given in square feet by the successive application of the following formula to each of the three cross sections:

$$\text{Area} = \frac{h}{12}(a + 4b + 2c + 4d + e)$$

h being the depth measured in meters (or in feet) inside the planking or plating from the keel to the level of the gunwale, or, in certain cases, to a lower level, as determined hereafter.

a, b, c, d, e denote the horizontal breadths of the boat measured in feet at the upper and lower points of the depth and at the three points obtained by dividing h into four equal parts (a and e being the breadths at the extreme points, and c at the middle point, of h).

Third. If the sheer of the gunwale, measured at the two points situated at a quarter of the length of the boat from the ends, exceeds 1 per cent of the length of the boat, the depth employed in calculating the area of the cross sections A or C shall be deemed to be the depth amidships plus 1 per cent of the length of the boat.

Fourth. If the depth of the boat amidships exceeds 45 per cent of the breadth, the depth employed in calculating the area of the midship across section B shall be deemed to be equal to 45 per cent of the breadth; and the depth employed in calculating the areas of the quarter-length sections A and C is obtained by increasing this last figure by an amount equal to 1 per cent of the length of the boat: *Provided*, That in no case shall the depths employed in the calculation exceed the actual depths at these points.

Fifth. If the depth of the boat is greater than 4 feet, the number of persons given by the application of this rule shall be reduced in proportion to the ratio of 4 feet to the actual depth, until the boat has been satisfactorily tested afloat with that number of persons on board all wearing life jackets.

Sixth. The Board of Supervising Inspectors shall impose, by suitable formulæ, a limit for the number of persons allowed in boats with very fine ends and in boats very full in form.

Seventh. The Board of Supervising Inspectors may by regulation assign to a boat a capacity equal to the product of the length, the breadth, and the depth multiplied by six-tenths if it is evident that this formula does not give a greater capacity than that obtained by the above method. The dimensions shall then be measured in the following manner:

Length. From the intersection of the outside of the planking with the stem to the corresponding point at the sternpost or, in the case of a square-sterned boat, to the afterside of the transom.

Breadth. From the ontside of the planking at the point where the breadth of the boat is greatest.

Depth. Amidships inside the planking from the keel to the level of the gunwale, but the depth used in caculating the cubic capacity may not in any case exceed 45 per cent of the breadth.

In all cases the vessel owner has the right to require that the cubic capacity of the boat shall be determined by exact measurement.

Eighth. The cubic capacity of a motor boat is obtained from the gross capacity by deducting a volume equal to that occupied by the motor and its accessories.

DECK AREA OF PONTOON BOATS AND OPEN BOATS OF THE SECOND CLASS.

First. The area of the deck of a pontoon boat of type 1C, 2B, or 2C shall be determined by the method indicated below or by any other method giving the same degree of accuracy. The same rule is to be applied in determining the area within the fixed bulwarks of a boat of type 2A.

Second. For example, the surface in square feet of a boat may be deemed to be given by the following formula:

$$\text{Area} = \frac{l}{12}(2a + 1.5b + 4c + 1.5d + 2e),$$

l being the length in feet from the intersection of the outside of the planking with the stem to the corresponding point at the sternpost.

a, b, c, d, e, denote the horizontal breadths in feet outside the planking at the points obtained by dividing l into four equal parts and subdividing the foremost and aftermost parts into two equal parts (a and e being the breadths at the extreme subdivisions, c at the middle point of the length, and b and d at the intermediate points).

MARKING OF BOATS AND PONTOON RAFTS.

The dimensions of the boat and the number of persons which it is authorized to carry shall be marked on it in clear, permanent characters, according to regulations by the board of supervising inspectors, approved by the Secretary of Commerce. These marks shall be specifically approved by the officers appointed to inspect the ship.

Pontoon rafts shall be marked with the number of persons in the same manner.

EQUIPMENT OF BOATS AND PONTOON RAFTS.

First. The normal equipment of every boat shall consist of—

(a) A single banked complement of oars and two spare oars; one set and a half of thole pins or crutches; a boat hook.

(b) Two plugs for each plug hole (plugs are not required when proper automatic valves are fitted); a baller and a galvanized-iron bucket.

(c) A tiller or yoke and yoke lines.

(d) Two hatchets.

(e) A lamp filled with oil and trimmed.

(f) A mast or masts with one good sail at least, and proper gear for each. (This does not apply to motor lifeboats.)

(g) A suitable compass.

Pontoon lifeboats will have no plug hole, but shall be provided with at least two bilge pumps.

In the case of a steamer which carries passengers in the North Atlantic, all the boats need not be equipped with masts, sails, and compasses, if the ship is provided with a radiotelegraph installation.

Second. The normal equipment of every approved pontoon raft shall consist of—

(a) Four oars.

(b) Five rowlocks.

(c) A self-igniting life-buoy light.

Third. In addition, every boat and every pontoon raft shall be equipped with—

(a) A life line becketed round the outside.

(b) A sea anchor.

(c) A painter.

(d) A vessel containing 1 gallon of vegetable or animal oil. The vessel shall be so constructed that the oil can be easily distributed on the water, and so arranged that it can be attached to the sea anchor.

(e) A water-tight receptacle containing 2 pounds avoirdupois of provisions for each person.

(f) A water-tight receptacle containing 1 quart for each person.

(g) A number of self-igniting "red lights" and a water-tight box of matches.

Fourth. All loose equipment must be securely attached to the boat or pontoon raft to which it belongs.

STOWAGE OF BOATS—NUMBER OF DAVITS.

The minimum number of sets of davits is fixed in relation to the length of the vessel, provided that a number of sets of davits greater than the number of boats necessary for the accommodation of all the persons on board may not be required.

HANDLING OF THE BOATS AND RAFTS.

All the boats and rafts must be stowed in such a way that they can be launched in the shortest possible time, and that, even under unfavorable conditions of list and trim from the point of view of the handling of the boats and rafts, it may be possible to embark in them as large a number of persons as possible.

The arrangements must be such that it may be possible to launch on either side of the vessel as large a number of boats and rafts as possible.

STRENGTH AND OPERATION OF THE DAVITS.

The davits shall be of such strength that the boats can be lowered with their full complement of persons and equipment, the vessel being assumed to have a list of 15 degrees.

The davits must be fitted with a gear of sufficient power to insure that the boat can be turned out against the maximum list under which the lowering of the boats is possible on the vessel in question.

OTHER APPLIANCES EQUIVALENT TO DAVITS.

Any appliance may be accepted in lieu of davits or sets of davits if the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, is satisfied after proper trials that the appliance in question is as effective as davits for placing the boats in the water.

DAVITS.

Each set of davits shall have a boat of the first class attached to it, provided that the number of open boats of the first class attached to davits shall not be less than the minimum number fixed by the table which follows.

If it is neither practicable nor reasonable to place on a vessel the minimum number of sets of davits required by the rules, the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, may authorize a smaller number of sets of davits to be fitted, provided always that this number shall never be less than the minimum number of open boats of the first class required by the rules.

If a large proportion of the persons on board are accommodated in boats whose length is greater than 50 feet, a further reduction in the number of sets of davits may be allowed exceptionally, if the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, is satisfied that the arrangements are in all respects satisfactory.

In all cases in which a reduction in the minimum number of sets of davits or other equivalent appliances required by the rules is allowed the owner of the vessel in question shall be required to prove, by a test made in the presence of an officer designated by the Supervising Inspector General, that all the boats can be efficiently launched in a minimum time

The conditions of this test shall be as follows:

First. The vessel is to be upright and in smooth water.

Second. The time is the time required from the beginning of the removal of the boat covers, or any other operation necessary to prepare the boats for lowering, until the last boat or pontoon raft is afloat.

Third. The number of men employed in the whole operation must not exceed the total number of boat hands that will be carried on the vessel under normal service conditions.

Fourth. Each boat when being lowered must have on board at least two men and its full equipment as required by the rules.

The time allowed for putting all the boats into the water shall be fixed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

MINIMUM NUMBER OF DAVITS AND OF OPEN BOATS OF THE FIRST CLASS—MINIMUM BOAT CAPACITY.

The following table fixes, according to the length of the vessel—

(A) The minimum number of sets of davits to be provided, to each of which must be attached a boat of the first class in accordance with this section.

(B) The minimum total number of open boats of the first class, which must be attached to davits, in accordance with this section.

(C) The minimum boat capacity required, including the boats attached to davits and the additional boats, in accordance with this section.

Registered length of the ship (feet).	(A) Minimum number of sets of davits.	(B) Minimum number of open boats of the first class.	(C) Minimum capacity of lifeboats.
			Cubic feet.
100 and less than 120	2	2	980
120 and less than 140	2	2	1,220
140 and less than 160	2	2	1,550
160 and less than 175	3	3	1,880
175 and less than 190	3	3	2,390
190 and less than 205	4	4	2,740
205 and less than 220	4	4	3,330
220 and less than 230	5	4	3,900
230 and less than 245	5	4	4,560
245 and less than 255	6	5	5,100
255 and less than 270	6	5	5,640
270 and less than 285	7	5	6,190
285 and less than 300	7	5	6,930
300 and less than 315	8	6	7,550
315 and less than 330	8	6	8,230
330 and less than 350	9	7	9,090
350 and less than 370	9	7	9,630
370 and less than 390	10	7	10,650
390 and less than 410	10	7	11,700
410 and less than 435	12	9	13,060
435 and less than 460	12	9	14,430
460 and less than 490	14	10	15,920
490 and less than 520	14	10	17,310
520 and less than 550	16	12	18,720
550 and less than 580	16	12	20,350
580 and less than 610	18	13	21,900
610 and less than 640	18	13	23,700
640 and less than 670	20	14	25,350
670 and less than 700	20	14	27,050
700 and less than 730	22	15	28,560
730 and less than 760	22	15	30,180
760 and less than 790	24	17	32,100
790 and less than 820	24	17	34,350
820 and less shan 855	26	18	36,450
855 and less than 890	26	18	38,750
890 and less than 925	28	19	41,000
925 and less than 960	28	19	43,880
960 and less than 995	30	20	46,350
995 and less than 1,030	30	20	48,750

When the length of the vessel exceeds 1,030 feet, the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, shall determine the minimum number of sets of davits and of open boats of the first class for that vessel.

EMBARKATION OF THE PASSENGERS IN THE LIFEBOATS AND RAFTS.

Suitable arrangements shall be made for embarking the passengers in the boats, in accord with regulations by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

In vessels which carry rafts there shall be a number of rope ladders always available for use in embarking the persons on to the rafts.

The number and arrangement of the boats, and (where they are allowed) of the pontoon rafts, on a vessel depends upon the total number of persons which the vessel is intended to carry: *Provided*, That there shall not be required on any voyage a total capacity in boats, and (where they are allowed) pontoon rafts, greater than that necessary to accommodate all the persons on board.

At no moment of its voyage shall any passenger steam vessel of the United States on ocean routes more than 20 nautical miles offshore have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats and pontoon life rafts on board.

If the lifeboats attached to davits do not provide sufficient accommodation for all persons on board, additional lifeboats of one of the standard types shall be provided. This addition shall bring the total capacity of the boats on the vessel at least up to the greater of the two following amounts:

(a) The minimum capacity required by these regulations;

(b) A capacity sufficient to accommodate 75 per cent of the persons on board.

The remainder of the accommodation required shall be provided, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce, either in boats of class 1 or class 2, or in pontoon rafts of an approved type.

At no moment of its voyage shall any passenger steam vessel of the United States on ocean routes less than 20 nautical miles offshore have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats and pontoon rafts on board. The accommodation provided in lifeboats shall in every case be sufficient to accommodate at least 75 per cent of the persons on board. The number and type of such lifeboats and life rafts shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided*, That during the interval from May 15 to September 15, inclusive, any passenger steam vessel of the United States, on ocean routes less than 20 nautical miles offshore, shall be required to carry accommodation for not less than 70 per cent of the total number of persons on board in lifeboats and pontoon life rafts, of which accommodation not less than 50 per cent shall be in lifeboats and 50 per cent may be in collapsible boats or rafts, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

At no moment of its voyage may any ocean-cargo steam vessel of the United States have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats on board. The number and types of such boats shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

At no moment of its voyage may any passenger steam vessel of the United States on the Great Lakes, on routes more than 3 miles offshore, except over waters whose depth is not sufficient to submerge all the decks of the vessel, have on board a total number of persons, including passengers and crew, greater than that for whom accommodation is provided in the lifeboats and pontoon life rafts on board. The accommodation provided in lifeboats shall in every case be sufficient to accommodate at least 75 per cent of the persons on board. The number and types of such lifeboats and life rafts shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided*, That during the interval from May 15 to September 15, inclusive, any such steamer shall be required to carry accommodation for not less than 50 per cent of persons on board in lifeboats and pontoon life rafts, of which accommodation not less than two-fifths shall be in lifeboats and three-fifths may be in collapsible boats or rafts, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided further*, That all passenger steam vessels of the United States, the keels of which are laid after the 1st of July, 1915, for service on ocean routes and on the Great Lakes, on routes more than 3 miles offshore, shall be built to carry, and shall carry, enough lifeboats and life rafts to accommodate all persons on board, including passengers and crew: *And provided further*, That not more than 25 per cent of such equipment may be in pontoon life rafts or collapsible lifeboats.

At no moment of its voyage may any cargo steam vessel of the United States on the Great Lakes have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats on board. The number and types of such boats shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

The number, types, and capacity of lifeboats and life rafts, together with the proportion of such accommodation to the number of persons on board which shall be carried on steam vessels on the Great Lakes, on routes 3 miles or less offshore or over waters whose depth is not sufficient to submerge all the decks of the vessels, and on all other lakes, and on rivers, bays, and sounds, shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

All regulations by the Board of Supervising Inspectors, approved by the Secretary of Commerce, authorized by this act, shall be transmitted to Congress as soon as practicable after they are made.

The Secretary of Commerce is authorized in specific cases to exempt existing vessels from the requirements of this section that the davits shall be of such strength and shall be fitted with a gear of sufficient power to insure that the boats can be lowered with their full complement of persons and equipment, the vessel being assumed to have a list of 15 degrees, where their strict application would not be practicable or reasonable.

CERTIFICATED LIFEBOAT MEN—MANNING OF THE BOATS.

There shall be for each boat or raft a number of lifeboat men at least equal to that specified as follows: If the boat or raft carries less than 61 persons, the minimum number of certificated lifeboat men shall be 3; if the boat or raft carries from 61 to 85 persons, the minimum number of certificated lifeboat men shall be 4; if the boat or raft carries from 86 to 110 persons, the minimum number of certificated lifeboat men shall be 5; if the boat or raft carries from 111 to 160 persons, the minimum number of certificated lifeboat men shall be 6; if the boat or raft carries from 161 to 210 persons, the minimum number of certificated lifeboat men shall be 7; and, thereafter, 1 additional certificated lifeboat man for each additional 50 persons.

The allocation of the certificated lifeboat men to each boat and raft remains within the discretion of the master, according to the circumstances.

By "certificated lifeboat man" is meant any member of the crew who holds a certificate of efficiency issued under the authority of the Secretary of Commerce, who is hereby directed to provide for the issue of such certificates.

In order to obtain the special lifeboat man's certificate the applicant must prove to the satisfaction of an officer designated by the Secretary of Commerce that he has been trained in all the operations connected with launching lifeboats and the use of oars; that he is acquainted with the practical handling of the boats themselves; and, further, that he is capable of understanding and answering the orders relative to lifeboat service.

Section 4463 of the Revised Statutes as amended is hereby amended by adding the words "including certificated lifeboat men, separately stated," to the word "crew" wherever it occurs.

MANNING OF BOATS.

A licensed officer or able seaman shall be placed in charge of each boat or pontoon raft; he shall have a list of its lifeboat men, and other members of its crew which shall be sufficient for her safe management, and shall see that the men placed under his orders are acquainted with their several duties and stations.

A man capable of working the motor shall be assigned to each motor boat.

The duty of seeing that the boats, pontoon rafts, and other lifesaving appliances are at all times ready for use shall be assigned to one or more officers.

MUSTER ROLL AND DRILLS.

Special duties for the event of an emergency shall be allotted to each member of the crew.

The muster list shows all these special duties, and indicates, in particular, the station to which each man must go, and the duties that he has to perform.

Before the vessel sails the muster list shall be drawn up and exhibited, and the proper authority, to be designated by the Secretary of Commerce, shall be satisfied that the muster list has been prepared for the vessel. It shall be posted in several parts of the vesesel, and in particular in the crew's quarters.

MUSTER LIST.

The muster list shall assign duties to the different members of the crew in connection with—

(a) The closing of the water-tight doors, valves, etc.
(b) The equipment of the boats and rafts generally.
(c) The launching of the boats attached to davits.
(d) The general preparation of the other boats and the pontoon rafts.
(e) The muster of the passengers.
(f) The extinction of fire.

The muster list shall assign to the members of the stewards' department their several duties in relation to the passengers at a time of emergency. These duties shall include—

(a) Warning the passengers.
(b) Seeing that they are dressed and have put on their life jackets in a proper manner.
(c) Assembling the passengers.
(d) Keeping order in the passages and on the stairways, and, generally, controlling the movements of the passengers.

The muster list shall specify definite alarm signals for calling all the crew to the boat and fire stations and shall give full particulars of these signals.

MUSTERS AND DRILLS.

Musters of the crews at their boat and fire stations, followed by boat and fire drills, respectively, shall be held at least once a week, either in port or at sea. An entry shall be made in the official log book of these drills, or of the reasons why they could not be held.

Different groups of boats shall be used in turn at successive boat drills. The drills and inspections shall be so arranged that the crew thoroughly understand and are practiced in the duties they have to perform, and that all the boats and pontoon rafts on the ships with the gear appertaining to them are always ready for immediate use.

LIFE JACKETS AND LIFE BUOYS.

A life jacket of an approved type, or other appliance of equal buoyancy and capable of being fitted on the body, shall be carried for every person on board, and, in addition, a sufficient number of life jackets or other equivalent appliances suitable for children.

First. A life jacket shall satisfy the following conditions:

(a) It shall be of approved material and construction.
(b) It shall be capable of supporting in fresh water for 24 hours 15 pounds ovoirdupois of iron.

Life jackets the buoyancy of which depends on air compartments are prohibited.

Second. A life buoy shall satisfy the following conditions:

(a) It shall be of solid cork or any other equivalent material.
(b) It shall be capable of supporting in fresh water for 24 hours at least 31 pounds avoirdupois of iron.

Life buoys filled with rushes, cork shavings, or granulated cork, or any other loose granulated material, or whose buoyancy depends upon air compartments which require to be inflated, are prohibited.

Third. The minimum number of life buoys with which vessels are to be provided is fixed as follows:

Length of the vessel under 400 feet, minimum number of buoys, 12; length of the vessel, 400 and under 600 feet, minimum number of buoys, 18; length of the vessel, 600 and under 800 feet, minimum number of buoys, 24; length of the vessel, 800 feet and over, minimum number of buoys, 30.

Fourth. All the buoys shall be fitted with beckets securely seized. At least one buoy on each side shall be fitted with a life line of at least 15 fathoms in length. The number of luminous buoys shall be not less than one-half of the total number of life buoys, and in no case less than six. The lights shall be efficient self-igniting lights which can not be extinguished in water, and they shall be kept near the buoys to which they belong, with the necessary means of attachment.

Fifth. All the life buoys and life jackets shall be so placed as to be readily accessible to the persons on board; their position shall be plainly indicated so as to be known to the persons concerned.

The life buoys shall always be capable of being rapidly cast loose, and shall not be permanently secured in any way. The owner of any vessel who neglects or refuses to provide and equip his vessel with such lifeboats, floats, rafts, life preservers, line-carrying projectiles, and the means of propelling them, drags, pumps, or other appliances, as are required under the provisions of this section, or under the regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce, authorized by and made pursuant hereto, shall be fined not less than $500, nor more than $5,000, and every master of a vessel who shall fail to comply with the requirements of this section, and the regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce, authorized by and made pursuant hereto, shall upon conviction be fined not less than $50, nor more than $500. Section 4489 of the Revised Statutes is hereby repealed.

SEC. 15. That the owner, agent, or master of every barge which, while in tow through the open sea, has sustained or caused any accident, shall be subject in all respects to the provisions of sections 10, 11, 12, and 13 of chapter 344 of the Statutes at Large, approved June 20, 1874, and the reports therein prescribed shall be transmitted by collectors of customs to the Secretary of Commerce, who shall transmit annually to Congress a summary of such reports during the previous fiscal year, together with a brief statement of the action of the department in respect to such accidents.

SEC. 16. That in the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of the United States in foreign countries, and for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and the Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, and any other treaty provision in conflict with the provisions of this act, ought to be terminated; and to this end the President be, and he is hereby, requested and directed, within 90 days after the passage of this act, to give notice to the several Governments, respectively, that so much as hereinbefore described of all such treaties and conventions between the United States and foreign Governments will terminate on the expiration of such periods after notices have been given as may be required in such treaties and conventions.

SEC. 17. That upon the expiration after notice of the periods required, respectively, by said treaties and conventions and of one year in the case of the independent State of the Kongo, so much as hereinbefore described in each and every one of said articles shall be deemed and held to have expired and to be of no force and effect, and thereupon section 5280 and so much of section 4081 of the Revised Statutes as relates to the arrest or imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, shall be, and is hereby, repealed

SEC. 18. That this act shall take effect as to all vessels of the United States 6 months after its passage and as to foreign vessels 12 months after its passage, except that such parts hereof as are in

conflict with articles of any treaty or convention with any foreign nation shall take effect as regards the vessels of such foreign nation on the expiration of the period fixed in the notice of abrogation of the said articles as provided in section 16 of this act.

SEC. 19. That section 16 of the act approved December 21, 1898, entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," be amended by adding at the end of the section the following:

"*Provided*, That at the discretion of the Secretary of Commerce, and under such regulations as he may prescribe, if any seaman incapacitated from service by injury or illness is on board a vessel so situated that a prompt discharge requiring the personal appearance of the master of the vessel before an American consul or consular agent is impracticable, such seaman may be sent to a consul or consular agent, who shall care for him and defray the cost of his maintenance and transportation, as provided in this paragraph."

Mr. MADDEN. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from Illinois suggests the absence of a quorum.

Mr. ALEXANDER. Mr. Speaker, I hope the gentleman will withdraw that.

Mr. MADDEN. Very well. I withdraw the point of no quorum.

Mr. DONOVAN. Mr. Speaker, I raise the point of no quorum.

Mr. ALEXANDER. Mr. Speaker, I hope the gentleman will withdraw it.

Mr. DONOVAN. Oh, I am going to make it, and I will not withdraw it. I make the point of order that there is no quorum present, Mr. Speaker.

The SPEAKER. The gentleman from Connecticut makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twenty-seven Members present—not a quorum.

Mr. ALEXANDER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Dixon	Kennedy, Conn.	Peterson
Aiken	Dooling	Kennedy, R. I.	Phelan
Ainey	Doolittle	Kent.	Plumley
Ansberry	Doremus	Key, Ohio	Porter
Anthony	Eagle	Kiess, Pa.	Pou
Aswell	Elder	Kirkpatrick	Powers
Austin	Esch	Knowland, J. R.	Prouty
Baker	Estopinal	Konop	Ragsdale
Baltz	Fairchild	Kreider	Rainey
Barchfeld	Faison	Lafferty	Riordan
Barkley	Fess	Langham	Rothermel
Barnhart	Finley	Langley	Rubey
Bartholdt	Fitzgerald	Lazaro	Rucker
Bartlett	Flood, Va.	L'Engle	Russell
Beall, Tex.	Fordney	Lenroot	Sabath
Bell, Ga.	Foster	Lever	Saunders
Brockson	Francis	Levy	Shackleford
Broussard	Gallivan	Lewis, Pa.	Sherley
Brown, N. Y.	Gard	Lindbergh	Sherwood
Browne, Wis.	Gardner	Lindquist	Shreve
Browning	George	Lobeck	Sisson
Brumbaugh	Gerry	Loft	Smith, N. Y.
Bulkley	Gill	McAndrews	Steenerson
Burke, Pa.	Gillett	McCoy	Stephens, Miss.
Butler	Glass	McGillicuddy	Stout
Byrnes, S. C.	Goldfogle	McGuire, Okla.	Stringer
Calder	Graham, Ill.	McKenzie	Switzer
Campbell	Graham, Pa.	Mahan	Talbott, Md.
Candler, Miss.	Green, Iowa	Maher	Ten Eyck
Cantor	Griest	Martin	Thacher
Cantrill	Guernsey	Merritt	Townsend
Carew	Hamilton, Mich.	Metz	Treadway
Chandler, N. Y.	Hamilton, N. Y.	Miller	Tuttle
Church	Hardwick	Moore	Underhill
Clancy	Hayden	Morgan, La.	Vaughan
Coady	Hayes	Morin	Vollmer
Collier	Hensley	Mott	Walker
Connolly, Iowa	Hinds	Murdock	Wallin
Conry	Hinebaugh	Murray, Mass.	Watkins
Cooper	Hobson	Neeley, Kans.	Whaley
Copley	Hoxworth	Neely, W. Va.	Whitacre
Covington	Hughes, W. Va.	Nolan, J. I.	White
Cramton	Hulings	O'Brien	Willis
Crisp	Hull	O'Leary	Wilson, N. Y.
Decker	Igoe	Padgett	Winslow
Dickinson	Johnson, Ky.	Palmer	Woodruff
Dies	Johnson, S. C.	Parker	Young, Tex.
Difenderfer	Jones	Patton, Pa.	
Dillon	Kelley, Mich.	Peters	

The SPEAKER. On this roll call 236 Members—a quorum—have answered to their names.

Mr. ALEXANDER. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The gentleman from Missouri moves that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. Is a second demanded on this motion to suspend the rules?

Mr. MANN. Mr. Speaker, under the rule a second is considered as ordered.

The SPEAKER. Whenever anyone demands one it is considered as ordered.

Mr. GREENE of Massachusetts. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule it is considered as ordered, and the gentleman from Missouri is recognized for one hour.

LEAVE OF ABSENCE.

Mr. PAYNE. Mr. Speaker, will the gentleman from Missouri permit me to make one request, and that is to request leave of absence for my colleague, Mr. MERRITT, who has been sick for some time and is absent on account of sickness?

The SPEAKER. The gentleman from New York asks indefinite leave of absence for his colleague, Mr. MERRITT, who has been sick for a good long time and is still sick. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I would ask leave of absence for Mr. SWITZER, of Ohio, who is ill with typhoid fever.

The SPEAKER. The gentleman from Illinois asks unanimous consent for indefinite leave of absence for the gentleman from Ohio [Mr. SWITZER], who is sick of typhoid fever. Is there objection?

Mr. DONOVAN. Mr. Speaker, I did not hear the request.

The SPEAKER. The gentleman asked unanimous consent for leave of absence for Mr. SWITZER, of Ohio, who is sick in bed, of typhoid fever. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. Mr. Speaker, I have just received a telegram announcing the death of my brother, and I would like to be excused for a few days.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. GOULDEN. Mr. Speaker, I would like to ask unanimous consent that Mr. HENRY GEORGE be excused. He has been obliged to leave here on account of illness, and is not able to be here.

The SPEAKER. The gentleman from New York asks unanimous consent for leave of absence, indefinitely, for Mr. HENRY GEORGE.

Mr. DONOVAN. On what ground?

The SPEAKER. On the ground of sickness. In addition to that, he is bottled up in the war zone. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Florida. Mr. Speaker, will the gentleman from Missouri yield to me for a moment?

Mr. ALEXANDER. I yield to the gentleman from Florida.

Mr. CLARK of Florida. I would ask unanimous consent for indefinite leave for my colleague [Mr. L'ENGLE], who is quite sick.

The SPEAKER. The gentleman from Florida asks unanimous consent for leave of absence for his colleague [Mr. L'ENGLE], on account of sickness. Is there objection?

Mr. MANN. Is he ill?

The SPEAKER. He has been quite sick for a long time and utterly unable to get here. Is there objection? [After a pause.] The Chair hears none.

THE MERCHANT MARINE.

Mr. ALEXANDER. Mr. Speaker, the bill which is pending before the House was passed by the Senate on the 23d day of October last during the extra session of Congress. Some criticism has been visited on the Committee on the Merchant Marine and Fisheries for not bringing the bill before the House at an earlier day. I wish to state briefly that at the extra session under the rules of the Democratic caucus no legislation was in order except the tariff bill, the currency bill, and emergency legislation, and for that reason this bill came over to the present session. As most Members of the House know, on the 29th of October I left for London, having been appointed by the President of the United States a commissioner to the International Conference on Safety of Life at Sea, which met in London on the 12th day of November, 1913, and returned to Washington on the 29th day of January, the conference having finished its labors and adjourned on the 20th day of January last and a few days after the beginning of this session. Early in December my colleague, Mr. HARDY, of Texas, the ranking member of the committee and acting chairman in my absence, began hearings on this bill. The hearings were confined to the lifeboat requirements of the bill. Those hearings were had before the Christmas holidays, and further hearings were postponed by consent until I should return from Europe. Following my return many demands came for hearings on other features of the bill, and those hearings were begun early in February and continued into March, there being hearings sometimes twice or three times a week. Following those hearings the bill was referred to a subcommittee, of which I was chairman, and considered two

or three times each week until we finally agreed to the committee amendment by way of substitute for the Senate bill, and the bill was reported to the House on the 19th of June. There has not been a time from early in June that it would have been practicable for the committee to have had the bill considered in the House.

And this is the first time that it has been practicable to secure the consideration of the bill, and it is only made possible now by the gracious action of the membership of the House in permitting it to be considered by unanimous consent on motion to suspend the rules.

I wish to explain very briefly the provisions of the bill. Section 1 is substantially existing law, except it provides that in case of desertion or casualty resulting in the loss of one or more of the seamen the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill. Under existing law the seamen should be of the same rating. We provide that they must be of the same or higher rating.

Section 2 amends the present law by regulating the hours of labor at sea by dividing the sailors into at least two and the firemen into three watches. This is the statute law of France and Germany. It is the custom in England and the custom protected by law in Norway and in port by establishing a nine-hour day, except on Sundays and legal holidays, when no unnecessary work shall be required. This, in substance, is the law of France, Germany, and Norway. The section applies to all merchant vessels of the United States of more than 100 tons gross, excepting those navigating rivers, harbors, bays, or sounds exclusively. It does not apply to fishing or whaling vessels or yachts.

Section 3 amends the present law by increasing the penalty for its violations.

Section 4 amends the present law by striking out the following words:

Unless the contrary be expressly stipulated in the contract.

In other words, under existing law the sailor has a right to demand half his pay at each port at which the vessel may call unless the contrary is provided in the contract. Of course the law was evaded or rendered inoperative by the shipping articles containing a provision denying the sailor that right. Hence we have amended that section of the law to provide that they shall receive one-half of the pay due them in each port, and any stipulation of the contract denying them that privilege shall be void, provided, however, the demand shall not be made oftener than once in five days. This section is made to apply to seamen on foreign vessels in the harbors of the United States, and the courts of the United States shall be open for its enforcement.

Section 5 amends the existing law relative to determining the seaworthiness of a vessel while in a foreign port. The existing law provides that upon complaint made in writing, signed by the first or second officer and a majority of the crew, the consul or commercial agent may have a survey of the vessel made. We change the law so as to give a majority of the crew the right to have a survey made to ascertain whether or not the vessel is in a seaworthy condition, and this amendment makes the law conform to the law of several other maritime nations. I think Germany has that law, and some other nations have it.

Section 6 amends the existing law and provides that in vessels hereafter built the forecastle space allotted to each member of the crew shall not be less than 120 cubic feet. The existing law provides that the forecastle space shall not be less than 72 cubic feet. We make our law conform to that of Great Britain, France, and Germany, by allotting to the crew a larger forecastle space. We also provide more cleanliness and better sanitation for the quarters occupied by the crew.

Section 7 amends existing law so as to give the seaman the same freedom as landsmen when his vessel is in a safe harbor, and provides for enforcement of proper discipline while the vessel is at sea.

Section 8 amends existing law by striking out the words "reclaim deserters."

Mr. MADDEN. Will the gentleman yield? What effect would that have by striking out the words?

Mr. ALEXANDER. Section 4600 as amended will provide:

That it shall be the duty of all consular officers to discountenance insubordination by every means in their power and, where the local authorities can be usefull employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner—

And so forth.

Now, we have stricken out after the word "discountenanced," in line 5, the word "desertion," so that it shall read:

It shall be the duty of all consular officers to discountenance insubordination—

And so forth.

As I shall later explain, we make provision for repealing so much of our treaties as provides for the arrest and return of seamen for desertion, and we amend this section to harmonize with the other provisions of the bill relating to desertion.

Mr. McKELLAR. Will the gentleman yield?

Mr. ALEXANDER. For a question.

Mr. McKELLAR. I notice that on page 30 it provides for placing those who continue to neglect their duty in irons. Is that not a very cruel and inhuman kind of punishment to inflict on a man who fails to do his duty?

Mr. ALEXANDER. We have not relaxed any of the discipline on board ships. We leave the law as it is now and as it has been from time immemorial in that regard. We do not undertake to relax any of the discipline or the power in the master to enforce discipline on the ship, and if there is insubordination that is the punishment provided by existing law, and we have no disposition to relax it, nor is there any request from any quarter to have it relaxed.

Section 9 amends existing law relative to corporal punishment by enabling the seaman who has been thus punished to sue the master or owner of the vessel for damages if the master permits the officer guilty of the violation to escape. In that regard we change existing law.

Section 10 simply provides that seamen shall have a greater allowance of butter and water. But the testimony before the committee was to the effect that the food scale on our ships is better than that required by law, and sailors get all the butter and all the water they want, so that the requirement that the crew shall be furnished more butter and water is not very important, so far as that is concerned.

Section 11 amends the existing law by prohibiting advance payments and allotments of seamen's wages. This will destroy the power of the crimps, and we regard this section as one of the very important provisions of the bill.

Section 12 amends the existing law by extending to fishermen on deep-sea fishing vessels the provision which prohibits the attachment of the seamen's wages. We found by an investigation of the existing law that section 4536 of the Revised Statutes, which was passed in 1872, was amended in 1874, and the exemption under section 4536 applies only to seamen on ships in the foreign trade. Hence we repeal section 4536 and reenact the language, and make it applicable to fishermen as well as seamen, so that it will apply hereafter not only to seamen on vessels engaged in the foreign trade, but to the coastwise trade as well.

The wages of sailors will be exempt from attachment and execution without reference to the trade of the vessel, whether foreign or coastwise. I may say that the courts have generally construed the law to be that the exemption applies indiscriminately to the coastwise trade and the foreign trade, but the Supreme Court of Hawaii recently held differently, and for that reason we repeal the old section and enact this new section, giving it a general application, and removing all doubt about it.

Mr. MADDEN. So that under the law as reported by the committee there could be no garnisheeing proceedings against a man's wages?

Mr. ALEXANDER. No; not of a seaman's or deep-sea fisherman's wages.

Section 13 is new in American maritime law. It proposes a standard of skilled and able seamen of three years' service on deck at sea and two years' service on deck on the Great Lakes. It provides a language test. It provides that at least 75 per cent of the crew in each department shall be able to understand the orders of their officers. It further provides that not less than 40 per cent in the first year, and 45 per cent in the second year, and 50 per cent in the third year, and 55 per cent in the fourth year, after the passage of the act, and thereafter 65 per cent of the deck crew, exclusive of licensed officers and apprentices, shall be of a rating not less than that of an able seaman.

An able seaman is also defined thus:

Every person shall be rated an able seaman and qualified for service as such on the seas who is 19 years of age or upward and has had at least three years' service on deck on a vessel or vessels to which this section applies; and every person shall be rated an able seaman and qualified to serve as such on the Great Lakes and other lakes and on the bays or sounds who is 19 years old or upward and has had at least 24 months' service on deck on such vessel or vessels: *Provided*, That upon examination, under rules prescribed by the Department of Commerce, as to eyesight, hearing, and physical condition he is found to be competent: *And provided further*, That upon examination, under rules prescribed by the Department of Commerce, as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship, men found competent may be rated as able seamen after having served on deck 12 months at sea; but further provides seamen examined and rated able seamen under this proviso shall not in any case compose more than one-fourth of the number of able seamen required by this section to be shipped or employed upon any vessel.

This last limitation is for the purpose of preventing an abuse of the law by rating all seamen able seamen after one year's

service and having the crew of the vessel composed of one-year men. As I say, this is new in American law and is intended to provide for more efficient crews in the interest of safe navigation and safety of life at sea.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from New York?

Mr. ALEXANDER. Yes.

Mr. GOULDEN. What change is this from existing law in regard to able seamen?

Mr. ALEXANDER. It is new.

Mr. GOULDEN. I thought it was.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. Yes; I yield.

Mr. HUMPHREY of Washington. I wanted to ask the gentleman whether in his opinion this section will apply to foreign ships that come into our ports? It is one of the most important sections in the bill, and I would like to have the gentleman's judgment.

Mr. ALEXANDER. There is no exception. The language is general. It says—

That no vessel of 100 tons gross and upward, except those navigating the rivers exclusively and the smaller inland lakes where the line of travel is at no point more than 3½ miles from land, and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew—

And so forth.

Mr. HUMPHREY of Washington. Then do I understand from the gentleman that this provision describes, for instance, the character of a sailor that a Japanese vessel shall employ, his qualifications, and how he shall be paid? And if a Japanese vessel comes into an American port and anyone files an affidavit saying that the vessel has not complied with the provisions of our law in regard to crews, it will be the duty of the collector of customs to prevent that ship from clearing until we compel Japan to employ the kind of sailors that we prescribe—that they shall have served, for instance, two years on the Great Lakes?

Mr. ALEXANDER. I trust the gentleman will not make his question too long. My time is about expired now.

Mr. HUMPHREY of Washington. Then I will take the matter up later myself.

Mr. ALEXANDER. I will say that the section is very broad in its language.

Mr. HUMPHREY of Washington. The gentleman does think, then, that this section does apply to foreign ships?

Mr. ALEXANDER. There is no limitation in the section. I agree with the gentleman from Washington that it is a very important section of the bill.

Under section 4463 it is provided that—

Any vessel of the United States subject to the provisions of this title or to the inspection laws of the United States shall not be navigated unless she shall have in her service and on board such complement of licensed officers and crew as may, in the judgment of the local inspectors who inspect the vessel, be necessary for her safe navigation.

That power is lodged in the local inspectors. It is made their duty to determine how many men shall be employed in the different departments for the safe navigation of the vessel. It is their duty under existing law to see that a vessel is sufficiently and efficiently manned to meet all the exigencies of the voyage before permitting the vessel to leave port. Of that number, however, under this bill in the first year not less than 40 per cent and in successive years increasing 5 per cent a year to 65 per cent after the fourth year after passage of the act shall be able seamen, exclusive of licensed officers and apprentices. I regard it as quite important that this should be understood. We are undertaking to provide for greater safety of life at sea by providing a standard of seamanship, and in order to do that we are trying to provide a rule by which it may be determined whether or not a man has the qualifications to make him an able seaman. There is much that can be said on this question, but I must hasten along, as my time is very limited.

Section 14 of this bill is a very important section, and relates to the life-saving equipment of passenger vessels and the manning of lifeboats, muster of the crew, and so forth; and I wish to say that in its application to ocean vessels, on routes more than 20 miles offshore, it is in the language of the London convention adopted on the 20th day of January last, which provides that all ocean-going vessels of the signatory States in the foreign trade shall be equipped with enough lifeboats for all. The London convention provides, however, that the boats must be in charge of an officer, petty officer, or seaman. Our bill provides that the boats shall be in charge of a licensed officer or able seaman. The balance of the crew of the lifeboats may be made up of certificated lifeboat men. The section defines certificated lifeboat men to be men who hold certificates of efficiency issued under the authority of the Secretary of Commerce and have been examined and are qualified to handle lifeboats. These men may be drawn from the crew, the deck crew, the steward's department, or the fireroom, provided they possess the necessary qualifications.

The section provides that at no moment of its voyage shall any passenger steam vessel of the United States on ocean routes more than 20 miles offshore have on board a total number of persons greater than for whom accommodation is provided in lifeboats and pontoon life rafts on board, and in no event shall the equipment in lifeboats be less than sufficient to accommodate 75 per cent of those on board, the balance in some cases may be life rafts under the regulations.

The bill provides further that ocean-going vessels on routes less than 20 miles offshore shall carry lifeboats and life rafts for all on board, not less than 75 per cent of the equipment to be lifeboats, except between May 15 and September 15 they shall be required to carry accommodations for not less than 70 per cent of the total persons on board in lifeboats and life rafts, one-half of which shall be in lifeboats and one-half may be in life rafts.

On the Great Lakes this provision is made as to all the routes more than 3 miles offshore; that the vessel shall be equipped with lifeboats and life rafts enough for all persons on board, not less than 75 per cent of the complement to be in lifeboats, except on routes over waters where the decks of the vessel would not be submerged in the event she should sink. However, it is further provided that during the interval from May 15 to September 15, inclusive, such vessels shall not be required to carry accommodations for more than 50 per cent of persons on board. Two-fifths of the equipment shall be in lifeboats and three-fifths may be in life rafts. On routes less than 3 miles offshore and on routes over waters where the decks of the vessel would not be submerged, and on the other lakes, and on rivers, bays, and sounds, the discretion is left with the Steamboat-Inspection Service, as now, to determine what the lifeboat and life-raft equipment may be. That discretion has been lodged in the Steamboat-Inspection Service from the beginning of the Government, as to all these trades, but we have taken away from the Steamboat-Inspection Service the discretion so far as ocean-going vessels are concerned and as to vessels on the Great Lakes whose routes are more than 3 miles offshore.

In these regards, except as to ocean-going vessels, we have modified the provisions of the Senate bill, which provides that all vessels on all routes, ocean going, on the Great Lakes, and on bays and sounds, should be equipped with lifeboats enough for all. The testimony before our committee was to the effect that on the Great Lakes, if this rule should be applied, it would absolutely destroy the value of vessels built under the regulations of the law in force at the time they were built. The testimony further showed that the passenger vessels on routes between Buffalo and Cleveland are never very far off shore or out of sight of another vessel for many minutes, seven or eight minutes, I believe Mr. Shantz stated. They are all equipped with wireless, they have life preservers for all, and their complement of lifeboats and life rafts, as provided by existing regulations, and the same necessity does not exist for full lifeboat equipment as on ocean-going vessels. We have relaxed the rule as far as we could, having due regard, of course, to safety of life at sea. The testimony before the committee showed that the lake passenger vessels carry millions of passengers yearly at a low rate of fare, and without loss of life through fault or negligence of their managers.

The sections 16 and 17 of the bill provide for the repeal of so much of our treaties with foreign nations as provide for the arrest and imprisonment of seamen deserting or who may be charged with desertion from merchant vessels of foreign nations in ports of the United States, and the Territories and possessions thereof, and for the termination of any other treaty provisions in conflict with the provisions of the act.

I may say that this question has been agitated for many years. The Democratic national platform adopted in Baltimore in 1912 contained the following plank:

We urge upon Congress the speedy enactment of laws for the greater security of life and property at sea, and we favor the repeal of all laws and the abrogation of so much of our treaties with other nations as provide for the arrest and imprisonment of seamen charged with violation of their contract of service. Such laws and treaties are un-American and violate the spirit, if not the letter, of the Constitution of the United States.

The Republican national platform of 1912 contained the following declaration:

We favor the speedy enactment of laws to provide that seamen shall not be compelled to endure involuntary servitude, and that life and property at sea shall be safeguarded by the ample equipment of vessels

with life-saving appliances and with full complements of skilled, able-bodied seamen to operate them.

Mr. Speaker, I see that I have occupied about 20 minutes. I did not intend to occupy more than 15 minutes, so I must give way.

Mr. J. M. C. SMITH. Will the gentleman yield?

Mr. ALEXANDER. I regret that I have not the time. I have already used more time than I intended to use, and I am trespassing on the time I have promised to others. I have only been able to give a hasty and very imperfect explanation of the provisions of this measure. Mr. Speaker, I reserve the balance of my time. I move that the House do now adjourn.

Mr. COX. Will the gentleman withhold that motion?

Mr. ALEXANDER. Yes.

EXTENSION OF REMARKS.

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Underwood resolution adopted this morning.

The SPEAKER pro tempore (Mr. MURRAY of Oklahoma). The gentleman from Indiana asks unanimous consent to revise and extend his remarks on the Underwood resolution. Is there objection?

There was no objection.

By unanimous consent, the following Members were given leave to extend their remarks in the RECORD on the subject of the Underwood resolution adopted this morning:

Mr. MONDELL, Mr. RAKER, Mr. LOBECK, Mr. GREENE of Massachusetts, Mr. SLOAN, Mr. BRYAN, Mr. J. M. C. SMITH, Mr. BARTON, Mr. FALCONER, Mr. KEATING, Mr. DONOHOE, and Mr. GREENE of Vermont.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Panama Canal.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD on the subject of the Panama Canal. Is there objection?

There was no objection.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of cotton.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD on the subject of cotton. Is there objection?

There was no objection.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of Labor be, and he is hereby, requested to transmit to the House of Representatives any information now available in the possession of the Bureau of Labor and Statistics concerning the public aid for home builders or aid to houseworking people in foreign countries.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object. I will say to the gentleman that this is a privileged resolution and that it can be referred to the committee. It may not be necessary to print it in this shape. It can be called up at any time as a privileged resolution.

Mr. BUCHANAN of Illinois. Mr. Speaker, I want to say that this is information that is already compiled and is of great importance to every Member of Congress. It is in regard to government aid to home builders and farmers in foreign countries, something that I am especially interested in.

Mr. MANN. Has it been printed by the department?

Mr. BUCHANAN of Illinois. It has been compiled. I do not know whether it has been printed or not.

Mr. MANN. I think we ought to know about that.

The SPEAKER pro tempore. The gentleman from Illinois objects.

LEAVE OF ABSENCE.

The SPEAKER pro tempore laid before the House the request of Mr. GALLIVAN for leave of absence on account of the illness of his son.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I shall object unless I know whether it is a serious illness or not.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

ADJOURNMENT.

Mr. ALEXANDER. Mr. Speaker, I renew my motion that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Wednesday, August 26, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TALCOTT of New York, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 6357) to authorize the establishment of a bureau of war-risk insurance in the Treasury Department, reported the same without amendment, accompanied by a report (No. 1112), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WITHERSPOON, from the Committee on Naval Affairs, to which was referred the bill (S. 3561) to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy, reported the same without amendment, accompanied by a report (No. 1113), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FERGUSSON: A bill (H. R. 18519) to amend section No. 2324 of the Revised Statutes of the United States, relating to mining claims; to the Committee on the Public Lands.

By Mr. KINDEL: A bill (H. R. 18520) making it unlawful for any alien previous to having been admitted to citizenship in the United States to have, keep, or bear firearms; to the Committee on Immigration and Naturalization.

By Mr. BURNETT: A bill (H. R. 18521) to amend the naturalization laws; to the Committee on Immigration and Naturalization.

By Mr. HEFLIN: A bill (H. R. 18522) to require the issuance of an emergency currency and to loan the same to the cotton producers of the United States upon properly authenticated cotton warehouse receipts; to the Committee on Banking and Currency.

Also, a bill (H. R. 18523) to require the Secretary of the Treasury to purchase and hold as the property of the United States Government 4,000,000 bales of the cotton crop of 1914; to the Committee on Ways and Means.

By Mr. SMITH of New York: A bill (H. R. 18524) to amend title 60, chapter 3, of the Revised Statutes of the United States of America, relating to copyrights; to the Committee on Patents.

By Mr. LOGUE: Resolution (H. Res. 602) directing procedure as to House joint resolution 308; to the Committee on Rules.

By Mr. FREAR: Resolution (H. Res. 603) directing the House Judiciary Committee to investigate and report to the House its findings under House concurrent resolution 38; to the Committee on Rules.

By Mr. BUCHANAN of Illinois: Resolution (H. Res. 604) requesting the Secretary of Labor to transmit to the House of Representatives information concerning public aid for home owning and housing of working people in foreign countries; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GILMORE: A bill (H. R. 18525) to correct the records of the War Department in regard to enlistment of William C. Donleavy; to the Committee on Military Affairs.

By Mr. KEY of Ohio: A bill (H. R. 18526) granting an increase of pension to Christian Martin; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 18527) for the relief of John J. Rodgers; to the Committee on War Claims.

By Mr. RUPLEY: A bill (H. R. 18528) granting an increase of pension to Mary A. McElwee; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of the Licking County Institute, of Newark, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. BRUCKNER: Petition of the Rochester (N. Y.) Chamber of Commerce, favoring passage of bill to create American merchant marine; to the Committee on the Merchant Marine and Fisheries.

By Mr. GARNER: Memorial of the Corpus Christi Commercial Club, relative to terminal of pipe line at Port Aransas if built by the United States Government from the oil fields of the State of Oklahoma; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Corpus Christi Commercial Club, favoring bills for inquiry into the Shipping Trust of the merchant marine of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. GILMORE: Petition of the Grand Circle of Massachusetts, Companions of the Forest of America, favoring passage of House bill 5139, relative to retirement of aged employees of the Government; to the Committee on Reform in the Civil Service.

Also, memorial of the Federal Council of the Churches of Christ in America, expressing to President Wilson gratitude for offering services of the United States in mediation between the European powers; to the Committee on Foreign Affairs.

By Mr. HAY: Petitions of sundry citizens of Albemarle County, Va., relative to rural credits; to the Committee on Banking and Currency.

By Mr. JOHNSON of Washington: Petitions of sundry citizens of Port Angeles, Wash., protesting against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of the second congressional district of Washington, favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. LOBECK: Petition of the Central Federated Union, favoring passage of House bill 10735; to the Committee on Labor.

Also, petition of the Omaha (Nebr.) Manufacturers' Association, asking postponement of antitrust bills to next session of Congress; to the Committee on the Judiciary.

Also, petition of the First United Evangelical Church of Omaha, favoring national prohibition; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of various women of Connecticut, favoring submission of amendment for woman suffrage at this session of Congress; to the Committee on Rules.

Also, petition of the New Haven Trades Council, of New Haven, Conn., protesting against any appropriation to a private corporation for the printing of corner cards on stamped envelopes; to the Committee on the Post Office and Post Roads.

By Mr. SELDOMRIDGE: Petitions of sundry citizens of Cripple Creek, Colo., protesting against national prohibition; to the Committee on Rules.

By Mr. SLOAN: Petitions of sundry business men of the State of Nebraska, favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: Petition of the Woman's Christian Temperance Union of Clyde, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Petitions of the Building Trades Employers' Association, the Sheet Metal Contractors' Association, and the Master Housesmiths' Association, all of San Francisco, Cal., protesting against the passage of the Clayton bill at this session of Congress; to the Committee on the Judiciary.

Also, petition of the Craig Shipbuilding Co., of Long Beach, Cal., protesting against throwing open coastwise shipping to foreign vessels; to the Committee on Interstate and Foreign Commerce.

Also, petition of the forty-seventh encampment of the Department of California and Nevada, Grand Army of the Republic, protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petition of various women of Los Angeles, Cal., relative to establishment of food stations in all of the important cities of the United States; to the Committee on the Judiciary.

Also, petitions of 24 citizens of the United States, relative to House joint resolution 144, for due credit to Dr. F. A. Cook for his polar efforts; to the Committee on Naval Affairs.

Also, petition of various producers and shippers of the Pacific coast, relative to passage of the emergency shipping bill; to the Committee on Interstate and Foreign Commerce.

By Mr. TREADWAY: Memorial of the Grand Circle of Massachusetts, Companions of the Forest of America, favoring passage of House bill 5139, for retirement of aged civil-service employees; to the Committee on Reform in the Civil Service.

SENATE.

WEDNESDAY, *August 26, 1914.*

(Legislative day of Tuesday, August 25, 1914.)

The Senate reassembled at 11 o'clock a. m. on the expiration of the recess.

PROPOSED ANTITRUST LEGISLATION.

The VICE PRESIDENT. The Senate resumes the consideration of the unfinished business, House bill 15657.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

Mr. SMOOT. May I ask what is the question pending before the Senate?

The VICE PRESIDENT. The amendment presented by the Senator from Montana [Mr. WALSH].

Mr. CULBERSON. The amendment to section 9b is pending, presented by the Senator from Montana [Mr. WALSH] for the committee.

Mr. JONES. The Senator from Iowa [Mr. CUMMINS] had the floor yesterday afternoon, and while we are waiting I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Nelson	Thomas
Borah	Hollis	Overman	Thompson
Bryan	Hughes	Perkins	Thornton
Burton	Jones	Pittman	Vardaman
Chamberlain	Kenyon	Pomerene	Walsh
Chilton	Lea, Tenn.	Sheppard	West
Clapp	McCumber	Shields	White
Culberson	Martin, Va.	Shively	Williams
Cummins	Martine, N. J.	Simmons	
Gallinger	Myers	Smoot	

Mr. THORNTON. I was requested to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN], and also to state that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I ask that this announcement may stand for the day.

Mr. PITTMAN. I desire to announce that the Senator from Delaware [Mr. SAULSBURY] is absent from the city and is paired with the junior Senator from Rhode Island [Mr. COLT].

Mr. MARTIN of Virginia. My colleague [Mr. SWANSON] was called from the city by the illness of his father. I ask that this announcement may stand during his absence.

Mr. JONES. I desire to announce that the Senator from Michigan [Mr. TOWNSEND] is absent and is paired with the junior Senator from Arkansas [Mr. ROBINSON].

I also announce that the Senator from Vermont [Mr. PAGE] is absent on account of illness. This announcement may stand for the day.

The VICE PRESIDENT. Thirty-eight Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. DILLINGHAM, Mr. FLETCHER, Mr. LANE, Mr. POINDEXTER, Mr. REED, Mr. STERLING, and Mr. TOWNSEND answered to their names when called.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

I wish also to announce that the Senator from West Virginia [Mr. GOFF] is necessarily absent. He has a general pair with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. KERN and Mr. CAMDEN entered the Chamber and answered to their names.

Mr. McCUMBER. I wish to announce the unavoidable absence of my colleague [Mr. GRONNA], who will necessarily be absent during the balance of the week.

Mr. JOHNSON and Mr. BRADY entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. WALSH. Yesterday House bill 16673 came from the House, a bill dealing with the subject of water power on the public domain, generally known as the Ferris bill. I am informed that it was referred to the Committee on Public Lands.

I desire to state for the information of the Senate that the Committee on Irrigation and Reclamation of Arid Lands has been considering a number of bills upon the same subject introduced in the Senate, and has done considerable work upon these bills. The committee is considering a measure substantially like the bill which has just come from the House. I think the